

## Ordinary Meeting

**Meeting Date:** Tuesday, 25 May, 2021  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.00pm

**Membership** (Quorum - 7)  
All Councillors

**Please note:** The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

## Agenda

### 1. Acknowledgement of Traditional Custodians

### 2. Opening Prayer

### 3. Australian National Anthem

### 4. Apologies / Leave of Absence

### 5. Confirmation of Minutes

- Ordinary Meeting - 27 April 2021

### 6. Declarations of Interest

### 7. Presentation of Petitions

### 8. Mayoral Minute

#### Mayoral Minute

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*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

#### Committee Reports

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*Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract,*

*diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

CSA21.16 Shoalhaven Water - Debt Write Off - Telecommunications Rent

*Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.*

Reports

CCL21.7 Proposed Extension of Council Services to Jervis Bay Territory

*Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*



## **MM21.10 Mayoral Minute - 4 Murdoch Street Huskisson - DA10/1377**

**HPERM Ref:** D21/197035

### **Recommendation**

That:

1. Council acknowledge the work done by the Department of Planning Industry and Environment in May 2020 to better define the concept of “physical commencement” in regard to securing development consent.
2. However, having regard to the circumstances of DA10/1377, Council write to the Minister for Energy and Environment The Hon Matthew Kean and Minister for Planning and Public Spaces The Hon Rob Stokes to request if there is any pathway for review under the Marine Estate Management Act or other relevant legislation, which will allow this development to be assessed having regard to contemporary information and standards, particularly having regard to the impact the development will have on Jervis Bay Marine Park.

### **Details**

DA10/1377 was approved under the 2011 legislation which had a low threshold to attain “physical commencement” which secured the consent indefinitely. The flaws in this system were recognized by the NSW State Government. “Developments that had technically been ‘physically commenced’ but remain unconstructed for extended periods of time can create uncertainty for the community and local planning authorities about the future of vacant construction sites.” This led to changes in legislation in May 2020 to raise the threshold of “physical commencement”.

It has now been in excess of 10 years since the original assessment and approval of DA10/1377; our understanding of the impacts to the natural environment and sea level rise has changed dramatically in this time. Although the development was considered “physically commenced” the work that was undertaken is unlikely to meet the current threshold to secure a development consent. The application needs to be referred to the State Government for consideration in regard to the impacts that will occur to the Moona Moona Creek catchment area and the wider Jervis Bay Marine Park which is considered a natural asset to the people of New South Wales

MM21.10

## **MM21.11 Mayoral Minute - Extended Financial Assistance to Bushfire Survivors**

**HPERM Ref:** D21/197113

### **Recommendation**

That:

1. Council extend financial assistance by way of a 50% general rate relief and 100% sewer availability charge to our residents who are bushfire survivors and that this discount apply until June 2022 or until final occupation certificates are issued against a rebuilt home.
2. This relief be offered to owner occupiers as per financial assistance distribution of the Mayors Relief Fund.

### **Details**

The NSW State Government provided financial assistance for bushfire survivors by way of rate relief for the past year and that assistance has been appreciated. Many of our community affected by the bushfires have commenced their journey to rebuild their homes, and some have achieved that goal and returned home. The road to recovery is long and different for all and it has recently been brought to my attention that some who are rebuilding have received rates notices for sewer connections that are not available to them during their rebuild. In order to assist these families, I ask that Council support the suggested reductions as outlined in the recommendation.

MM21.11

## MM21.12 Mayoral Minute - Housing Crisis Shoalhaven

HPERM Ref: D21/206952

### Recommendation

That Council:

1. Declares we are currently experiencing a crisis situation with respect to housing availability and affordability in our community.
2. Submits to the National General Assembly and LGNSW Conferences motions calling on increased assistance from National and State Government for additional funding into social and affordable housing, and to look at different models such as equity share and covenant housing.
3. Report back on how Holiday Haven could contribute to providing some housing relief in the parks and how that could be achieved given the Crown Land Status of the Parks.
4. Contact private caravan and holiday parks in order to understand what semi-permanent housing solutions are being offered locally.
5. Continue to lobby for the “Meanwhile Use” of State Government owned land and assets for housing.

MM21.12

### Details

Councillors were recently contacted by Byron Shire Council requesting that we support their campaign to bring what appears to be a State-wide (if not Australia Wide) housing crisis into much sharper focus. The Byron appeal for a united front, I am sure, is not lost on any one of our Councillors. Every day we are contacted by people who are desperate for housing, from long term residents to business owners trying to find accommodation so that they can fill staff vacancies.

Our local Facebook pages are filled with horror stories and we know that our local housing providers have long waiting lists and not enough homes to meet demand. With stagnant wages and higher cost of living those who are lucky enough to secure housing often end up in rental and mortgage stress.

This issue is not new, as acknowledged by Council's unanimously supported Affordable Housing Policy and Project at Bomaderry. Council has offered win-win solutions to numerous ministers over the years regarding the idea of progressively redeveloping over a ten-year period, parts of Nowra that could easily accommodate more people in quality medium density. What is needed right now is Government will and budget allocations to enable such a project to happen. The win would also be for local business as increased populations require an increase in services. With a funding pathway over a decade, a good urban planning approach, Council could work to utilise the “meanwhile use” of government land and transition people into brand-new purpose-built homes.

Local government often cops the blame for not releasing more land, but as we have witnessed in recent sales even when land is available it is snapped up in a hurry and leaves people wondering what is next. Almost 7000 properties have changed hands in the Shoalhaven over the last 14 months, all for records prices that have been reported to be almost 20% above the previous period as per Core Logic reports. This rise in prices leaves behind first home buyers, core workers and those that have scrimped and saved for deposits based on prices over a year ago.

I acknowledge that the Holiday Haven group of parks are sub-contract managed and that the opportunity to find a small amount of assistance in the group may be quite low, and considering that Council's Crown land management budget is dependent on income from the parks, the request in this motion is to ask for a report and see if there is an appetite to assist with more semi-permanent arrangements. The cohort of people that I have in mind are the many single women who are car camping across the region who don't necessarily see themselves as homeless, but more accommodation challenged and who require longer stays at adjusted prices in safe and reliable places that are free from harassment and fear.

## CL21.82 Notice of Motion - Lawfulness of Council's Opening Prayer

HPERM Ref: D21/155793

Submitted by: Cllr Kaye Gartner

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council:

1. Note recent legal analysis published in the *Alternative Law Journal* which concludes that the practice of many Australian local councils of incorporating prayers into their formal meetings is unlawful.
2. Seek formal legal advice about whether Council's practice of including an Opening Christian Prayer as part of its proceedings is lawful.

### Background

At the 22 September 2020 Ordinary Meeting, Council amended its meeting order of business to replace agenda item 2 "Opening Prayer" with "Opening Christian Prayer".

In March 2021, the *Alternative Law Journal* published a legal analysis by Associate Professor Luke Beck of Monash University Faculty of Law which concludes that "the practice of many Australian local councils of incorporating prayers into their formal meetings is unlawful."

The abstract of a recent article, "Our Father who art in Town Hall: Do local councils have power to pray?" by Melbourne Law Professor Dr Luke Beck states:

*Many local councils in Australia commence their meetings with prayer. Case law in the United Kingdom holds that English local councils do not have power to commence their meetings with prayer. This article argues that the reasoning of the UK case law applies with equal force in Australia with the result that the practice of many Australian local councils of incorporating prayers into their formal meetings is unlawful.*

Extract from "Our Father who art in Town Hall" article (page 4)

CL21.82

**Table 1.** Summary of local council powers relevant to opening prayers.

	NSW	Vic	Qld	SA	WA	Tas
<i>Powers of an individual</i>	Yes <sup>17</sup>	No	No	Yes <sup>18</sup>	Yes <sup>19</sup>	No
<i>Powers of a body corporate</i>	No <sup>20</sup>	Yes <sup>21</sup>	Yes <sup>22</sup>	Yes <sup>23</sup>	Yes <sup>24</sup>	Yes <sup>25</sup>
<i>Express power to do things incidental</i>	Yes <sup>26</sup>	Yes <sup>27</sup>	Yes <sup>28</sup>	Yes <sup>29</sup>	No	Yes <sup>30</sup>
<i>Councillors equal participants in meetings</i>	Yes <sup>31</sup>	Yes <sup>32</sup>	Yes <sup>33</sup>	Yes <sup>34</sup>	Yes <sup>35</sup>	Yes <sup>36</sup>
<i>Relevant limits on exercise of powers</i>	Meetings must be conducted in manner that is 'inclusive' <sup>37</sup>	Councils to be 'collaborative' <sup>38</sup>	Responsibilities to be performed in manner consistent with principle of 'social inclusion' <sup>39</sup>	Nil	Nil	Nil

*In the case of NSW, the conclusion that there is no power to incorporate a religious ritual as a part of formal council proceedings is reinforced by the obligation on councils to conduct their meetings in an 'inclusive' manner that 'respect[s] the diverse needs and interests of the local community'. Religious practices are necessarily exclusive: non-adherents (whether they be non-religious people or adherents of other religions) cannot participate in them on the same terms as adherents.*

## CL21.83 Notice of Motion - Mollymook Foreshore Reserve

**HPERM Ref:** D21/200261

**Submitted by:** Cllr Mark Kitchener

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council:

1. Make safe, and program the upgrade of the Mollymook Foreshore Reserve on the water's edge immediately east of the Mollymook Surf Lifesaving Club.
2. Seek grant funding to complete the project.
3. Give high priority to the completion of Stage 2.

### Background

Representations have been made by members of the Mollymook Surf Lifesaving Club and the public regarding the dilapidated and deteriorating condition of the balustrades in front of the Surf Club and Mollymook Golf Club at Mollymook Beach.

In 2005 a construction ready detailed design for the Mollymook Foreshore Reserve was prepared and Stage 1 was implemented later. The upgrade was welcomed by the community but only Stage 1 of the project was completed leaving handrails, balustrades, and landscaping untouched. The result being the central part of the reserve was fitted with Pebble Crete stairways, concrete walkways, stainless steel handrails and disability access to the beach.

The remaining infrastructure was left in situ and has now reached its used by date. The wooden railings have rotted away leaving gaps in the fencing. Posts are loose and bolts have rusted leaving the balustrades unsafe posing a risk to the public and significant risk exposure for council.

Considering Mollymook Beach is the most visited tourist beach in the Shoalhaven, the condition of this promenade is a poor reflection on Shoalhaven City Council.

CL21.83



## CL21.84 Notice of Motion - Nowra By-Pass Infrastructure Transport Link

HPERM Ref: D21/199957

Submitted by: Cllr Bob Proudfoot

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That:

1. Council write to the following NSW parliamentary representatives seeking their public support for the construction of the Nowra By-Pass infrastructure transport link. Part of the communicate would essentially include previous Council resolutions and resultant correspondence initiated in 2021.
  - The Hon Gladys Berejiklian, MP, Premier of NSW
  - The Hon John Barilaro, MP, Deputy Premier, Minister For Regional Industry and Trade
  - The Hon Andrew Constance, MP, Minister for Transport and Roads
  - The Hon Paul Toole, MP, Minister for Regional Transport and Roads
  - The Hon Shelley Hancock, MP, Minister for Local Government
  - The Hon Gareth Ward, MP, Member for Kiama
  - Jodi McKay, Leader of the Opposition
  - Chris Minns, Shadow Minister for Transport
  - The Hon John Graham, Shadow Minister for Roads
  - The Hon Mick Veitch, Shadow Minister for Rural Roads
  - David Harris, Shadow Minister for Regional Transport
2. In the letter to The Premier of NSW, The Hon Gladys Berejiklian, MP, an additional request be indicated, asking her to consider the inclusion of significant funds in the next state budget towards the project. All parliamentarians on the above list would need to be informed of this and their resultant concurrence sought.
3. In the letter to be sent to The Hon Andrew Constance, MP, a congratulatory paragraph regarding his recent public statements in support of the Nowra By-Pass would need to be included. In addition, a request to Mr Constance asking him to make contact with The Hon Michael McCormack, MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, inviting him to meet with Shoalhaven City Council in the near future, per their previous invitation.
4. As is the case with point 3 above a similar letter be sent to The Hon John Barilaro, MP with the same request.

CL21.84

## **CL21.85 Notice of Motion - Princes Highway / Island Point Road Roundabout - Vegetation Clearance**

**HPERM Ref:** D21/200234

**Submitted by:** Cllr Bob Proudfoot

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council write to Transport for NSW requesting their urgent consideration of perimeter vegetation clearing of the "sightline", immediately north-east of the newly constructed Princes Highway / Island Point Road roundabout, in order to achieve absolute maximum safety at this dangerous location.

### **Background**

The new roundabout has been met with widespread approval from many members of the local community, but the congratulations have often been tempered with the very constructive suggestion of getting on with a little extra thinning of obstructive vegetation to greatly enhance sightlines. It has also been mentioned that this "thinning" may not necessarily mean the mass removal of trees, but rather the removal of vegetation, up to a necessary height, on and around the trees.

CL21.85

## CL21.86 Notice of Motion - Shoalhaven Hospital - Requirements

HPERM Ref: D21/202377

Submitted by: Cllr Bob Proudfoot

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council staff write to the Illawarra-Shoalhaven Area Health Service and the following list of prominent state parliamentarians, to urgently draw their attention to major inadequacies existing at Shoalhaven Hospital. The list is by no means exhaustive but has been compiled by very concerned members of our community with possible solutions indicated:

1. MRI machine on-site and available for use 7 days a week.
2. Establishment of a well-resourced Fracture Clinic so that local patients can be treated locally.
3. Major upgrade of the Computer - Administration system so that all areas within the hospital precinct, (including the Cancer Care facility), can effectively "talk to each other".
4. Create a well-resourced Oncology section in the general hospital to provide greater care for cancer sufferers who are experiencing extreme difficulties.
5. Provide a greater resource level at the Cancer Care Centre such that two Oncology Registrars are on duty each day, thus giving a raised level of support to both patients and nurses.
6. Ensure that the meeting of "benchmarks", (as efficient as they may appear), does not cut across the provision of both compassionate and quality health care. An example may be the apparent desire to accept gravely-ill nursing home patients through the Emergency Department, provide some form of treatment and care, and then sending the frail patient back to the same nursing home to perhaps die, rather than take up valuable bed space in a general ward.
7. Remove all impediments to the provision of "no-charge parking" for nurses in particular, and other hospital employees in general, as a matter of urgency.
8. The list of State Parliamentarians to include:
  - Gladys Berejiklian, Premier of NSW.
  - Brad Hazzard, Minister for Health and Medical Research.
  - Shelley Hancock, Minister for Local Government.
  - Gareth Ward, Member for Kiama.
  - Jodi McKay, Leader of the Opposition.
  - Yasmin Catley, Shadow Minister for Health.

CL21.86

## CL21.87 Notice of Motion - Property Matter

HPERM Ref: D21/201215

Submitted by: Cllr Patricia White

### Purpose / Summary

This report provides Council with the opportunity to consider a confidential Notice of Motion in relation to a property matter.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

### Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential Notice of Motion from Cllr Patricia White in relation to a property matter.

### Options

1. Proceed in accordance with the recommendation

Implications: Council will be able to consider a separate confidential Notice of Motion in relation to a property matter.

2. Not adopt as recommended

Implications: Council will not consider the confidential Notice of Motion.

CL21.87

## **CL21.88 Notice of Motion - Shoalhaven Heads to Gerroa Walking Track – 7 Mile Beach National Park**

**HPERM Ref:** D21/201023

**Submitted by:** Cllr Patricia White  
Cllr John Wells

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council:

1. Engage with Laurie Talbot Shoalhaven Heads and others to discuss and investigate their proposal to formalise the existing walking track from Shoalhaven Heads to Gerroa through the 7 Mile Beach National Park and included in the Plan of Management.
2. Make representations on behalf of the Shoalhaven Heads community to local National Parks and the local state member Th Hon Gareth Ward MP to formalise the existing walking track into the Plan of Management for the 7 Mile Beach National Park.
3. Write to Kiama Council seeking support to have the walking track formalised and included in the Plan of Management for the 7 Mile Beach National Park.

### **Background**

Laurie Talbot and other community members have had discussions with National Parks (local office) and Gareth Ward MP to have the existing walking track from Shoalhaven Heads to Gerroa in the National Park formalized and maintained. This will require changes to the Plan of Management for the Park.

The existing track is widely used by community members and visitors to Shoalhaven Heads and Gerroa and regularly requires maintenance works. Currently the track is not included in the Plan of Management, however, the 20 year old 7 Mile Beach National Park Plan of Management only recognizes the pathway from Gerroa to the 7 Mile Beach reserve area at the end of Beach Road as a formal pathway subject to regular maintenance.

The path from Shoalhaven Heads northward to the same reserve is acknowledged but not formally included for ongoing maintenance or upgrade. This shortcoming in the PoM is inhibiting the development of a significant tourism and community health outcome.

A small committee has been set up by Laurie Talbot and they are requesting support from Council to work on having the track included in the PoM. They have been speaking with Cardno who have indicated their willingness to assist with developing the required documentation for the inclusion of the track.

CL21.88

## CL21.89 Notice of Motion - Park Road Netball Complex

**HPERM Ref:** D21/205278

**Submitted by:** Cllr Greg Watson  
Cllr Bob Proudfoot

### Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### Recommendation

That Council:

1. Take urgent action to apply for grants to assist in facilitating the refurbishment of the Park Road Netball Courts.
2. Commend the Community Planning & Projects staff (Craig Horgan, Jessica Volkanovski & Ryan Schuler) and their teams for undertaking an urgent assessment of the Courts and for preparing a way forward.

### Background

The disgraceful condition of the Courts is an example of poor civic leadership, and how Council has lost its way over the last 5 years by not focusing on our core responsibilities, and by becoming distracted by becoming involved in social engineering, identity politics, and by trying to take over some of the responsibilities of State and Federal Governments to the detriment of our community.

### Note by the CEO

Funding has been allocated in the Capital Works Program for financial years 2020/ 21 and 2021/22. This is to undertake the investigation and design works to get this project to a 'shovel ready' stage.

To date staff have been working closely with the Shoalhaven Netball Association (SNA) to develop concept designs to enable a detail design brief for twelve (12) courts at the Park Road Netball site to be developed. It is anticipated that the detail design package will be ready to go to the market in late May / early June 2021 for completion before the end of the calendar year. Once this stage is completed the project will be 'shovel ready'.

Staff and the SNA are collaborating closely - the SNA have provided Council with a list of their requirements - this includes new court surfaces, fencing, seating, footpaths, drainage, and a bubbler to the site. To ensure an appropriate court playing surface a key requirement is to address the drainage issues through the detailed design phase. Geotechnical information is also being sought.

The SNA have expressed their willingness to work with Council staff seek funding / grants to deliver the project.

## **CL21.90 Report of the Development & Environment Committee - 11 May 2021**

**HPERM Ref:** D21/198789

**DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey**

**HPERM Ref:**  
**D21/171031**

### **Recommendation**

That Council:

1. Receive the Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey update for information.
2. Proceed with the verification work (shallow scrapes to identify grave cuts) as recommended by Navin Officer Heritage Consultants on Lots 7 and 8 to verify the GPR survey results, to be funded by the proponent.
3. Consult with Jerrinja Local Aboriginal Land Council (LALC) on work on the adjoining Lot 9, and subject to their agreement allocate \$6,220 (excl GST) to fund the verification work on Jerrinja LALCs land (Lot 9).
4. Continue to liaise with key stakeholders including the Jerrinja LALC, Council's Aboriginal Advisory Committee, and the Huskisson Heritage Association (HHA).

CL21.90



## CL21.91 Report of the Strategy & Assets Committee - 18 May 2021

HPERM Ref: D21/207059

### SA21.83 Report Back - Jervis Bay National Park - Council Property Transfers

HPERM Ref:  
D21/69325

#### Recommendation

That Council:

1. Receive the report on the status of the Council land transfers to the Jervis Bay National Park.
2. Write to the Minister for the Environment The Hon Matt Kean in regards to possible transfers of land to the National Park to include the following:
  - a. Lot 2 DP 1087105 Leo Drive Narrawallee (Garrads Reserve)
  - b. Lot 5 DP 1087106 Garrads Lane Narrawallee (Garrads Reserve)
  - c. Lot 29 DP 874275 Seaspray Street Narrawallee (For purchase by NSW Government and consistent with previous minutes)
3. Acknowledge that the three blocks as outlined above are contiguous with National Park land holding Narrawallee Creek Nature Reserve and would bring overall value to the National Parks estate as previously identified by the NSW State Government.

### SA21.85 Proposed Lease - Council as Lessee - Unit 1, 51 Graham Street, Nowra

HPERM Ref:  
D21/176484

#### Recommendation

That:

1. Council enter into a Lease agreement with Churston Quay Pty Ltd ATF Torbay Superannuation Fund for Unit 1, 51 Graham Street, Nowra being lot 1 SP 63182 in accordance with the terms outlined in the confidential attachment;
2. The terms of the lease remain confidential until adopted by Council;
3. Council authorise the rent to be paid from existing operational budget from the savings identified by management across all Directorates;
4. Council authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

### SA21.88 Callala Beach Drainage Maintenance & Construction

HPERM Ref:  
D20/82059

#### Recommendation

That Council, with regard to the management of stormwater in the Callala Beach Village:

CL21.91

1. Note that scheduled maintenance to desilt the eight absorption pits has been programmed to be completed before the end of this financial year from the existing maintenance allocation.
2. Note that from 2021/2022 and onwards (subject to operating budget allocations) 20 pits will be desilted every year at an annual cost of \$17,500. This means that 80 pits across the region will be desilted every four year at a total cost of \$70,000 over the four years. This work will most likely be packaged up as an annual contract with visual inspection/cleaning records being received prior to payment. The 2021/2022 draft budget be amended accordingly as part of the public consultation phase currently underway.
3. The Draft Interim Policy for “The disposal of stormwater from hard surfaces for infill or redevelopment” will be refined by Council staff, advertised seeking public comment and that comment will be reported back to Council for consideration before adoption.
4. Allocate \$80,000 in the long-term financial plan (2023/2024) to develop a long-term Stormwater Drainage Strategy for the Callala Beach catchment, with the ultimate arrangement to be a consideration of a hybrid drainage system consisting of a combination of gravity drained pipe outlets and absorption pits.

**SA21.89 North Mollymook Beach - Car Parking & Pedestrian  
Access / Safety**

**HPERM Ref:  
D20/349606**

**Recommendation**

That:

1. Council allocate \$40,000 (2021/2022) towards the preparation of a Masterplan (including consultation) which will enable better management of pedestrians and carparking at the North end of Mollymook beach, to improve safety and amenity for all – noting the following:
  - a. The plan will integrate with any strategic planning for coastal zone management/ coastal planning that may be under consideration for the Northern End of Mollymook Beach which appears to need some attention in regard to dune stabilisation alongside of Beach Rd.
  - b. Include an investigation on how best to manage pedestrian and carparking at Mitchell Parade in the vicinity of the beach access stairway.
  - c. Plan for the formalisation of the dirt carpark on the North Eastern Side of Mollymook Farm Creek and NOT pursue the opening up of the western side that would involve any vegetation clearing.
  - d. Pursue a conversation with the Bill Andriske Management Committee in regard to how upgraded car park facilities can be used on non-match days.
  - e. Include investigation on how best to manage pedestrian and carparking around the corner at the North Mollymook Tallwood Ave Shops.
2. The draft masterplan be further considered at a future meeting of Council with a view to adopt and allocate funds to prepare plans to a ‘shovel ready’ state for future grant and internal funding considerations.

CL21.91

**SA21.90 Mollymook Outriggers Club - Storage Site Location**

**HPERM Ref:  
D20/397239**

**Recommendation**

That Council, following an extensive and unsuccessful search of sites in the Ulladulla Region to accommodate the Mollymook Outriggers Club's storage needs:

1. Support the Club's quest to obtain approval from the Crown to build a boat shed next to the Coastal Patrol Building at Ulladulla Harbour.
2. Add \$5,000 to the 2021/2022 draft budget (noting that the draft budget is currently on public exhibition) as Council's contribution to any documentation or studies or plans that are required for the Crown Lands process as determined by the CEO (Director City Services).

**SA21.91 Proposed Road Closure & Sale - Broughton Vale  
Road Broughton Vale**

**HPERM Ref:  
D21/56320**

**Recommendation**

That Council

1. Close the unformed part of Broughton Vale Road, Broughton Vale, being approximately 1,500m in length as shown in Attachment 1 (D21/56393) by a notice published in the Government Gazette as the road reserve is effectively landlocked.
2. Authorise the sale of the closed road to V Wasp Pty Ltd (adjoining property owner) for \$37,700 + GST (if applicable) and the proceeds from the sale be allocated to the Property Reserve.
3. Require the portion comprised in the road closure be consolidated into one lot with the parent Lot being Lot 19 DP 1264739.
4. Require all costs associated with the road closure and sale to be borne by V Wasp Pty Ltd.
5. Authorise the Chief Executive officer to sign any documentation required to give effect to this Resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA21.101 TfNSW Acquisition by Agreement Part Lot 415 DP  
1210528 Gardenia Crescent Bomaderry (Princes  
Highway Bomaderry)**

**HPERM Ref:  
D20/546110**

**Recommendation**

That Council:

1. Approve the acquisition by agreement of Part Lot 415 DP 1210528 being approximately 630sqm by TfNSW for the Princes Highway Upgrade project;
2. Delegate authority to the Chief Executive Officer to agree to the compensation amount determined by the Valuer General;
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any document requiring to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CL21.91

**SA21.108 Sale of Surplus Council Land at Terara****HPERM Ref:  
D21/136112****Recommendation**

That Council:

1. Resolve to vary MIN15.664 and:
2. Sell part of Lot 1 DP594857, shown edged red on 'Plan of Land to be Sold', for an amount of \$54,200.
3. Reimburse the purchaser's reasonable legal costs from Council's REMS Sewer Scheme Fund, in accordance with the original land exchange agreement with the adjoining landowner. Proceeds from the sale of the Council land are to be paid to that fund to partially offset the acquisition costs.
4. If necessary, adjust the purchase price for the lands in accordance with the area determined by final survey plan.
5. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
6. Approve a subdivision of Lot 1 DP594857 under officer delegation.

**SA21.109 Acquisition of Easement for Sewerage Purposes -  
14&16 Daley Crescent North Nowra****HPERM Ref:  
D21/151649****Recommendation**

That

1. Council acquire an Easement for Sewerage Purposes 3 metres wide over part of Lots 19 & 20 DP22131, Nos. 14-16 Daley Crescent North Nowra as shown highlighted on the attached copy of DP 644296.
2. Council pay compensation of \$19,000, plus GST if applicable, and reasonable legal and valuation costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CL21.91

## CL21.92 Report of the Shoalhaven Traffic Committee - 11 May 2021

HPERM Ref: D21/198733

**Attachments:**

1. PN 3652 Plans [↓](#)
2. PN 3653 Plans [↓](#)
3. PN 3654 Plans [↓](#)
4. PN 3655 Plans [↓](#)
5. PN 3656 Plans [↓](#)

*The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.*

*The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.*

### IMPORTANT NOTE:

*Council cannot amend a Traffic Committee recommendation. The Council can only:*

1. *Adopt the Traffic Committee recommendation;*
2. *Not Adopt the Traffic Committee recommendation; or*
3. *Request the Traffic Committee reconsider the issue.*

*Other issues can be raised as Additional Business at the Ordinary Meeting.*

*The full guide to the delegation to Councils for the regulation of traffic can be viewed at: [RMS Website](#)*

**TC21.31 Signage and Linemarking Plan - Lot 400 DP1243547  
- 35 Corks Lane - Milton (PN 3652)**

**HPERM Ref:  
D21/181647**

### Recommendation

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works in Corks Lane, Milton, required to be undertaken in accordance with consent conditions, as detailed in Plan No: D21/18181, subject to:

- Temporary barriers being installed:
  - immediately to the north of the Corks Lane residential sub-division (to prevent through traffic from traversing Corks Lane north past the St Mary's Catholic Primary School and church, and further impacting the intersection of Princes Highway and Corks Lane), and
  - another temporary barrier being installed to the west of the existing turning head outside the St Mary's Catholic Primary School.
- The proposed banned right turn signage shall also be deferred or covered up for the same temporary period. The temporary barrier and associated signage restrictions shall remain in place until such time as Myrtle Forest Road is constructed to the Princes Highway as required in accordance with DS19/1162.
- The intersection of Corks Lane and the Princes Highway being delineated as 'all traffic left' with a painted island, 'Left Turn' arrows and R2-9-L 'Left Lane Must Turn

CL21.92

Left' signage on approach following the construction of Myrtle Forest Road to the Princes Highway as required in accordance with DS19/1162.

- Lighting for proposed traffic facilities being provided as per AS/NZS 1158.
- The proposed north-eastern turn along the Link Road being assessed in accordance with AS1742.2 as to whether it requires warning signage.

**TC21.32 Parking Restrictions - Intersections of Quay Rd - Greenway Rd - Callala Beach Rd - Callala Beach (PN 3653)**

**HPERM Ref: D21/181690**

**Recommendation**

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions at the intersections of Quay Rd and Greenway Rd with Callala Beach Rd, Callala Beach as per Plan No: D21/181830.

**TC21.33 Parking Restrictions and Linemarking - Woollamia Boat Ramp Car Park - Frank Lewis Way - Woollamia (PN 3654)**

**HPERM Ref: D21/181695**

**Recommendation**

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the parking restrictions and linemarking at the Woollamia Boat Ramp Carpark and along Frank Lewis Way / Coulon Street, per Plan No: D21/181841.

**TC21.34 Proposed Edge Line Marking - Tapitallee Road - Tapitallee (PN 3655)**

**HPERM Ref: D21/181790**

**Recommendation**

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed edge line marking along Tapitallee Road, Tapitallee as per Plan No: D21/181863, subject to:

1. RRPMS being installed along the proposed edgeline for enhanced night-time delineation.

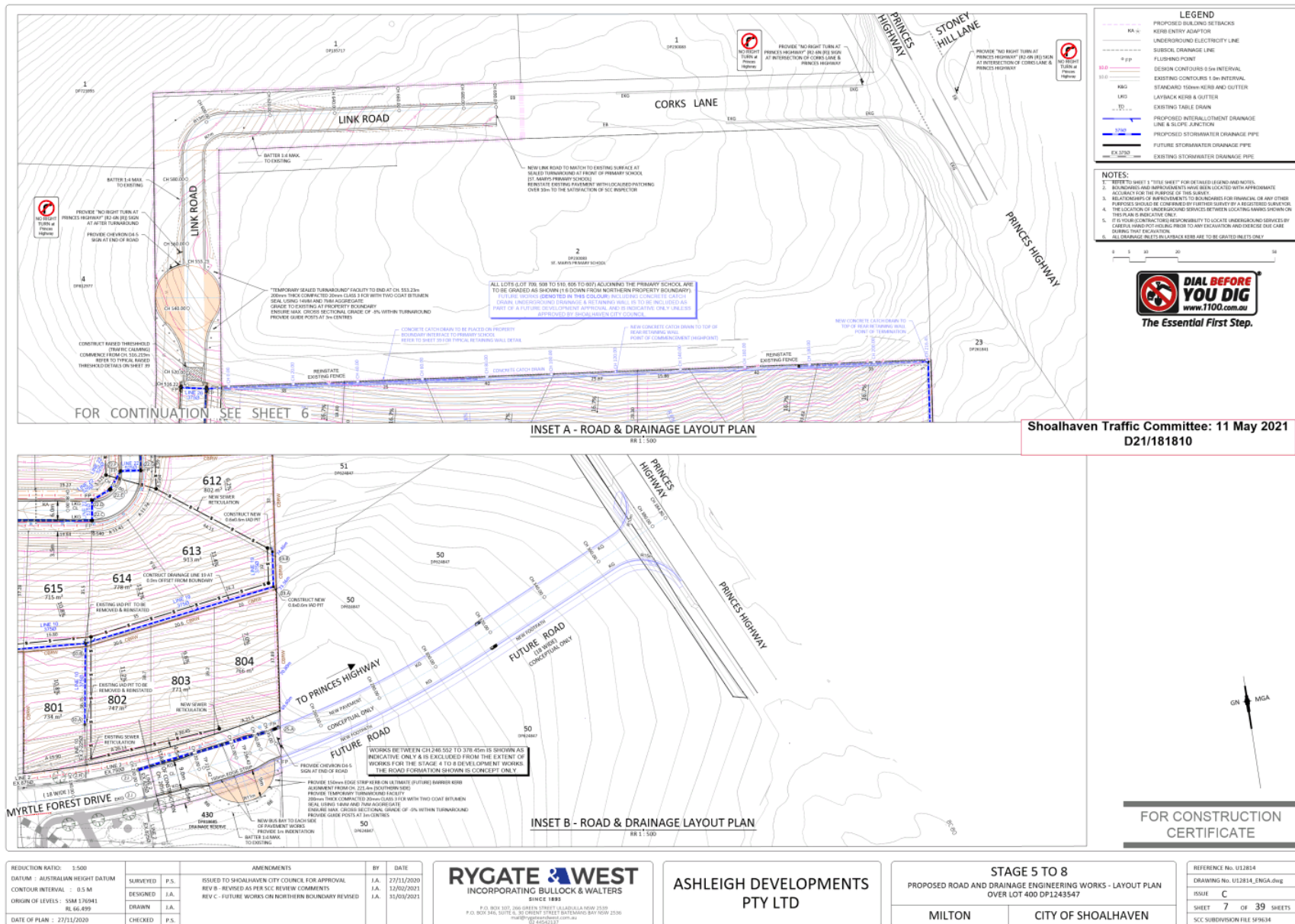
**TC21.35 Signage and Linemarking Plan - Lot 1 DP 270575 - 35 The Basin Road - St Georges Basin (PN 3656)**

**HPERM Ref: D21/182878**

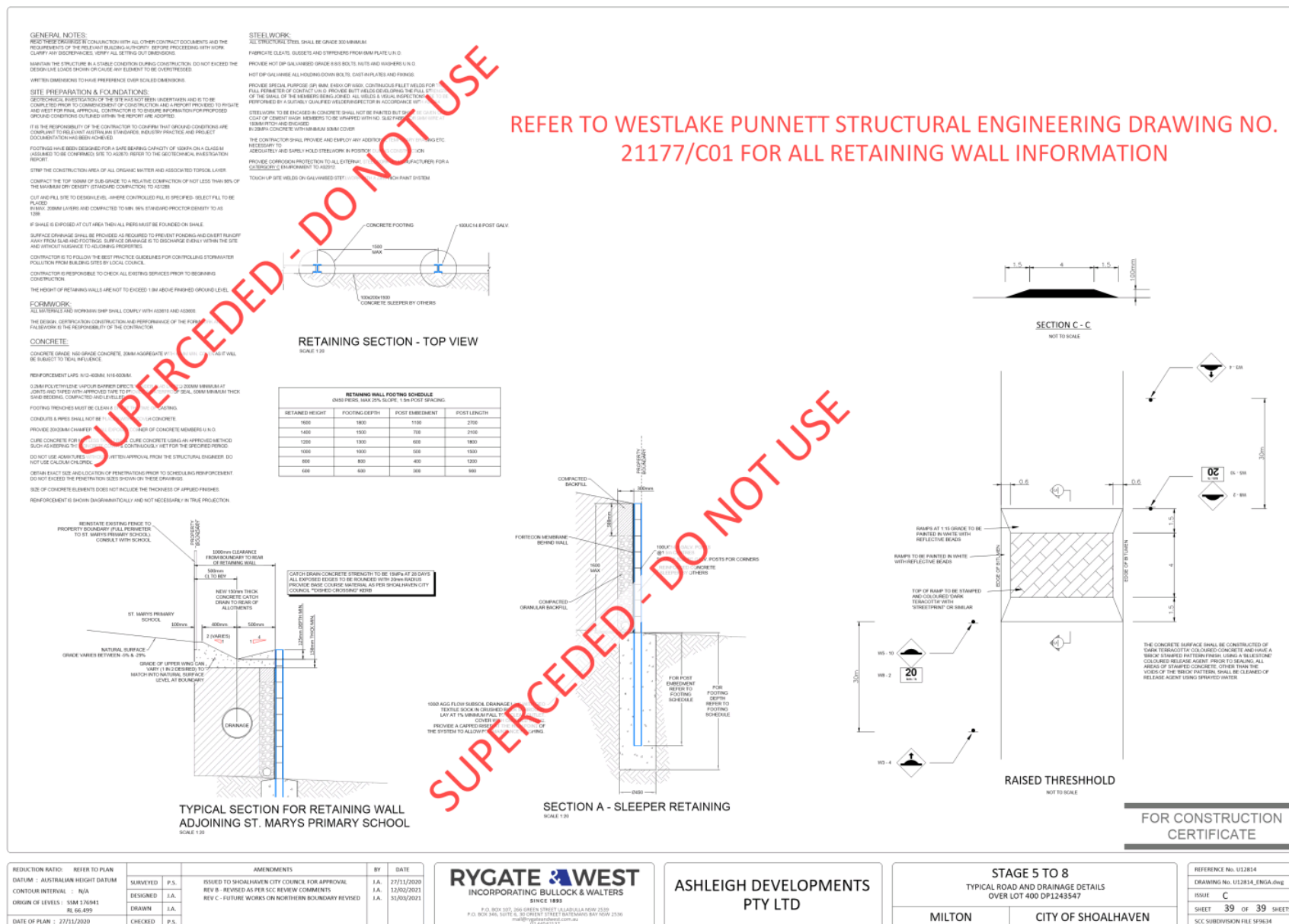
**Recommendation**

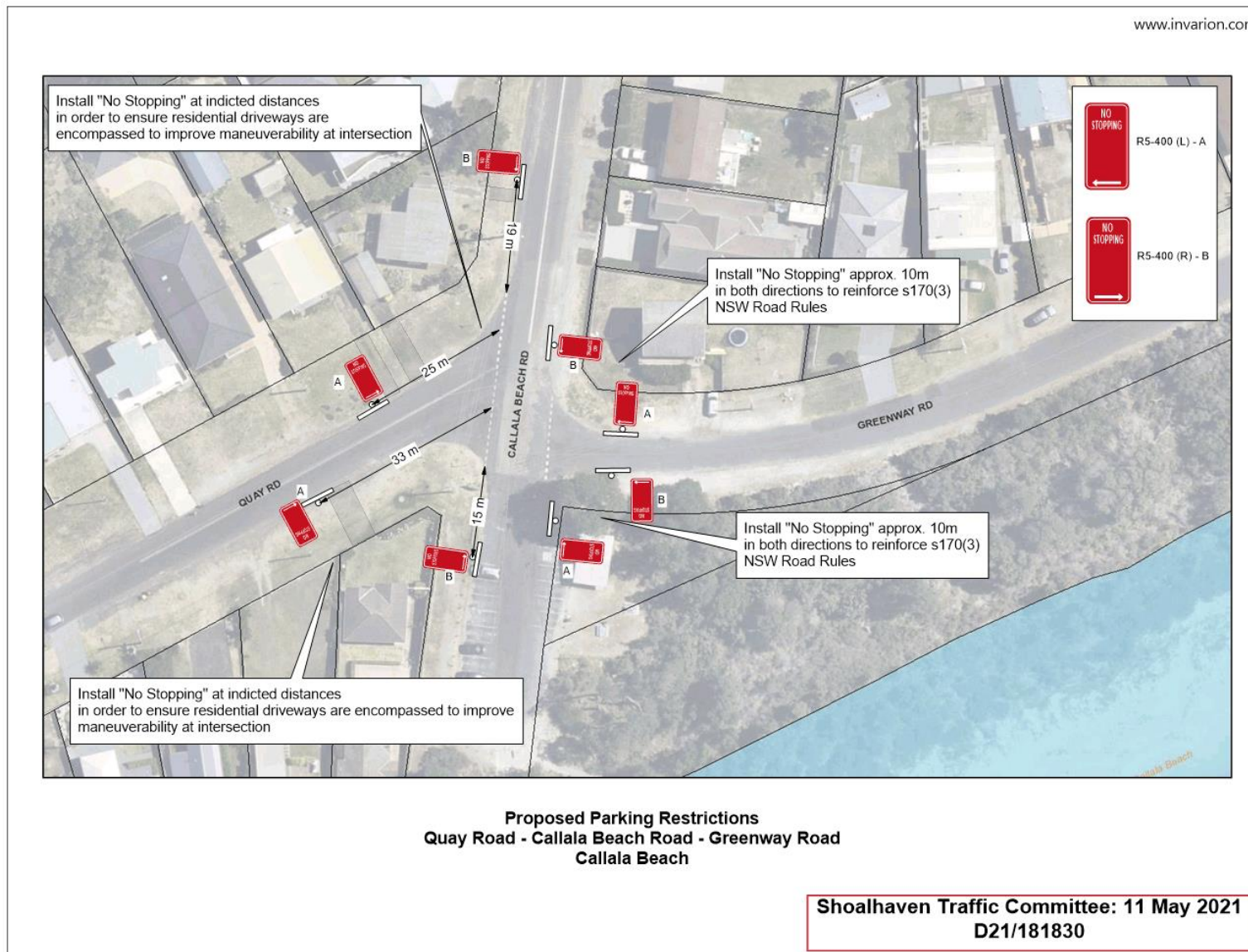
That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage, line marking, and traffic control measures associated with the development at Lot 1 DP 270575 - 35 The Basin Road, St Georges Basin (per development consent conditions 27(e) - (f)), as per Plan No D21/182893, subject to:

1. Lighting for proposed traffic facilities being provided as per AS/NZS 1158..



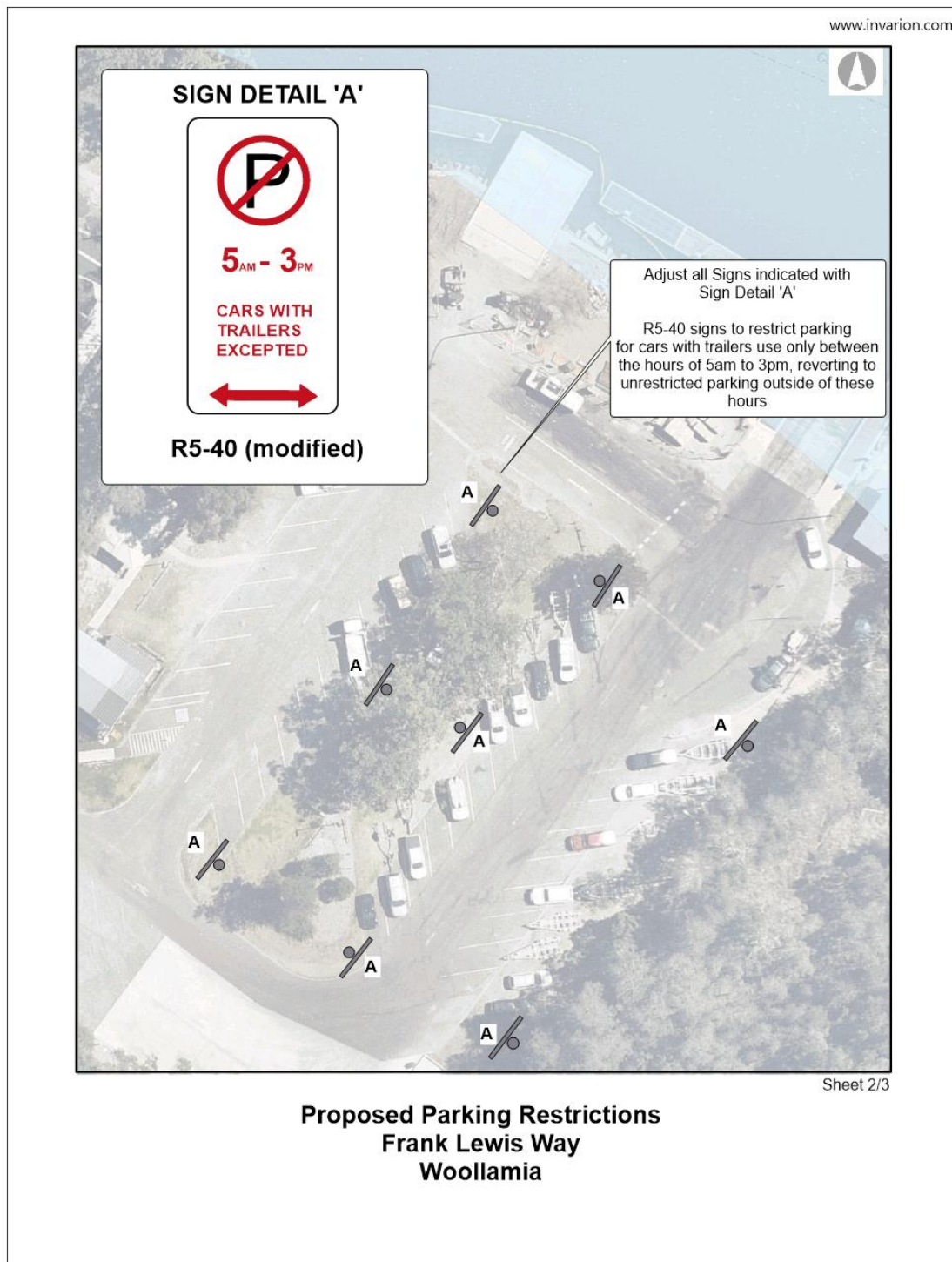


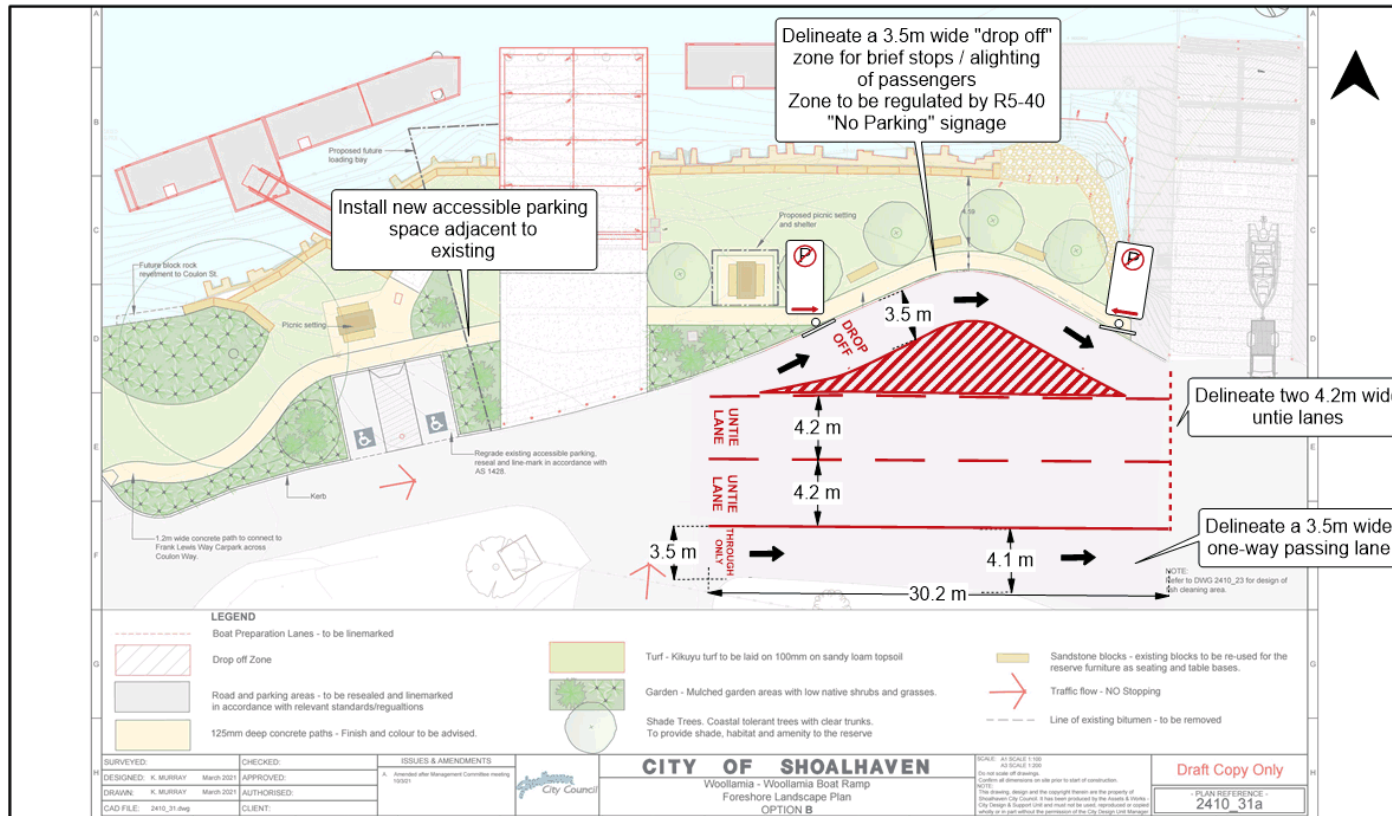








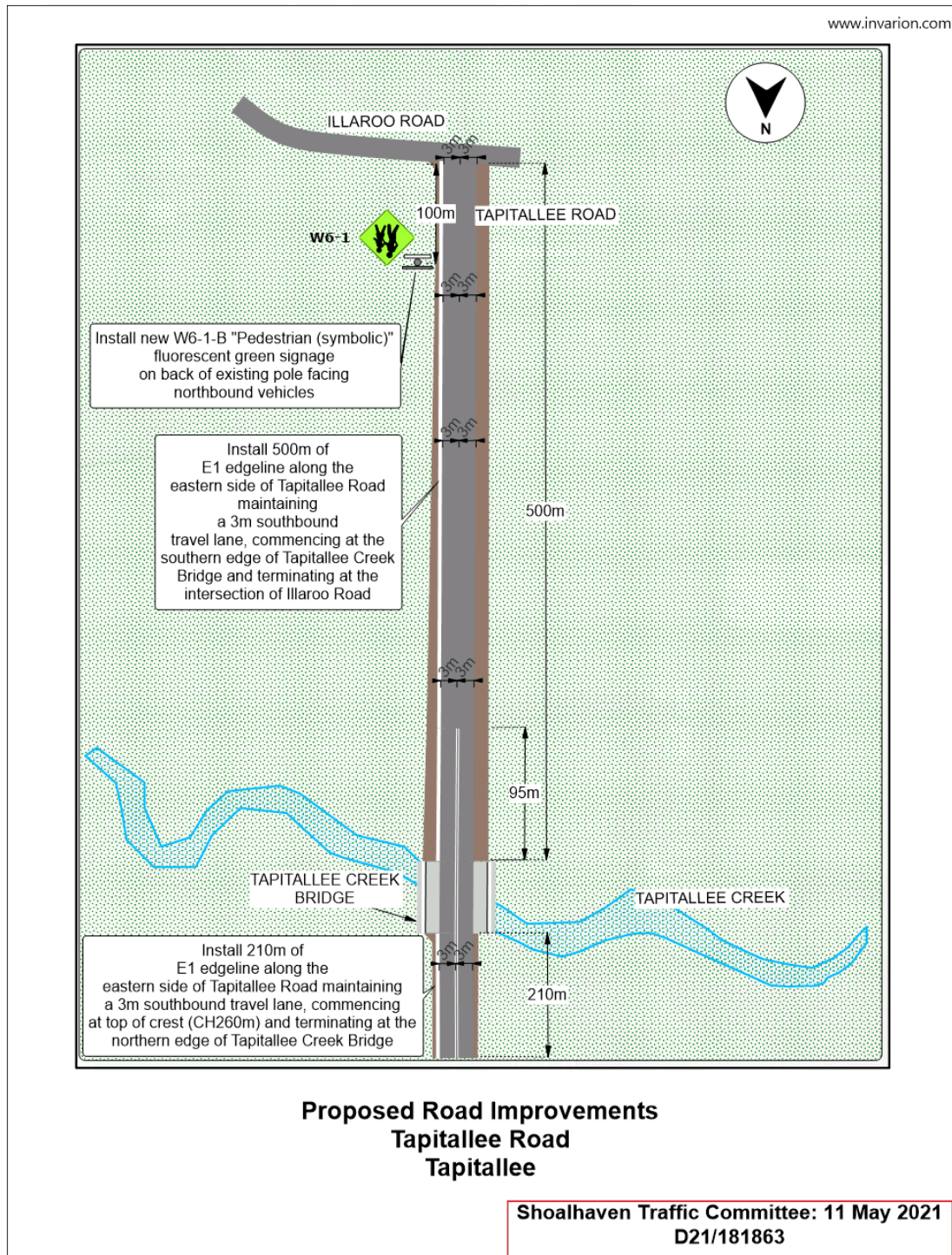


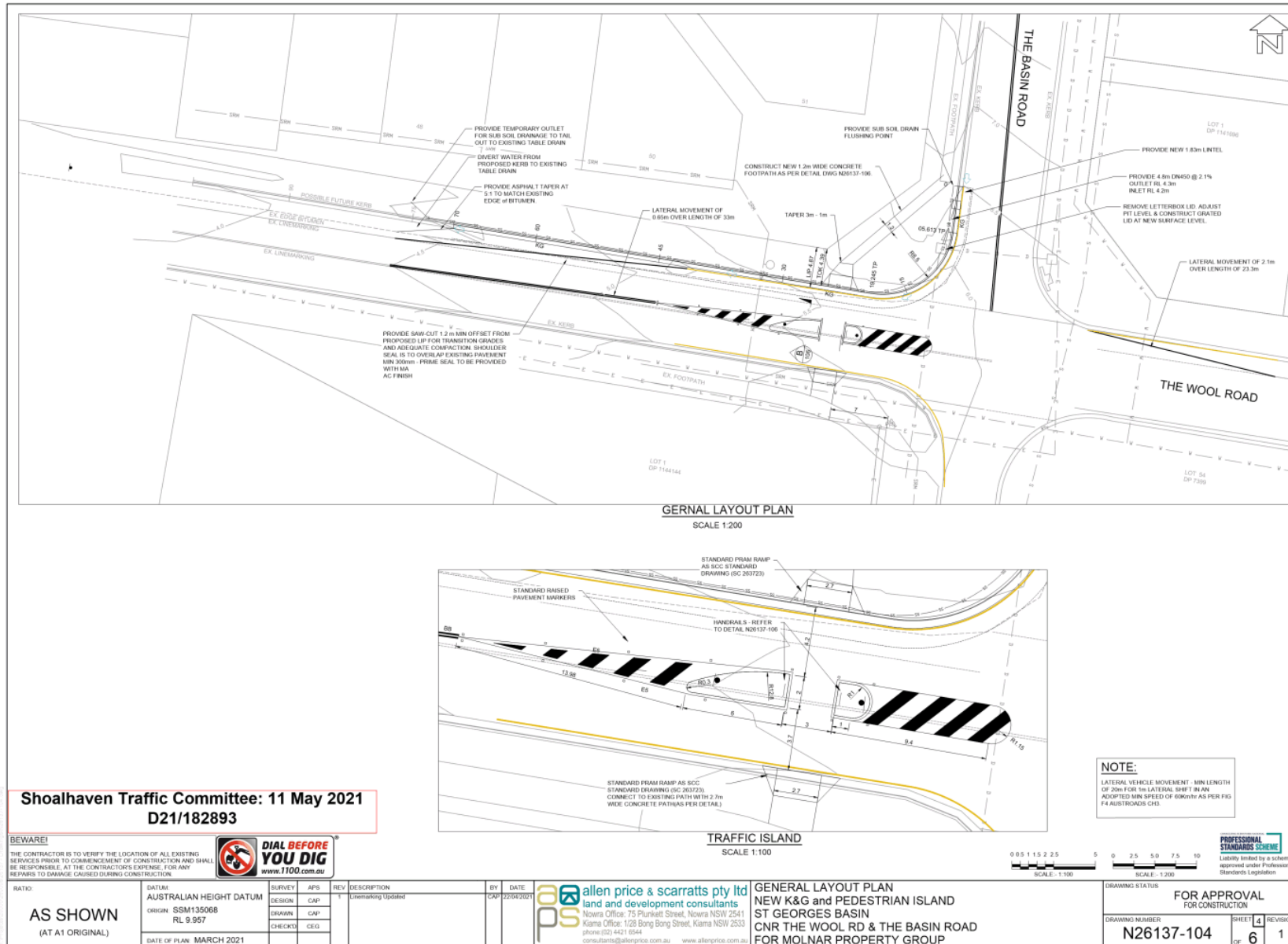


**Proposed Parking Restrictions  
Frank Lewis Way  
Woollamia**

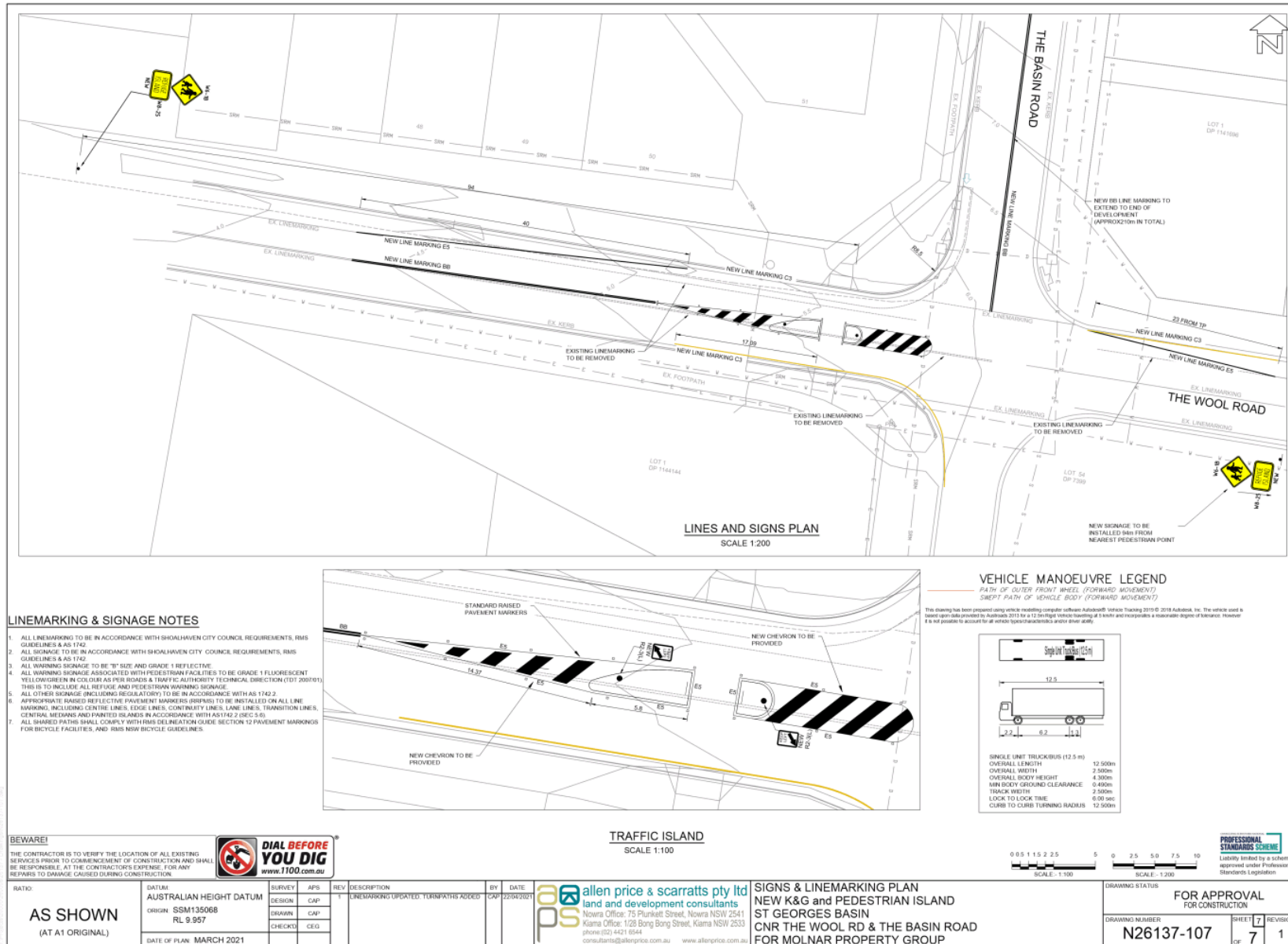
Sheet 3/3











## CL21.93 Remote Attendance by Councillors at Council Meetings - Draft Procedure

**HPERM Ref:** D21/155151

**Department:** Business Assurance & Risk

**Approver:** Kevin Voegt, Director - City Performance

**Attachments:** 1. Draft - Procedures for Remote Attendance [↓](#)

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the need to introduce formal procedures for remote meeting attendance as soon as possible.

To submit for Council's endorsement a formal procedure for governing remote attendance by Councillors at meetings by audio-visual link, in accordance with the model procedure supplied by the Office of Local Government.

### Recommendation (Item to be determined under delegated authority)

That Council endorse the attached Procedures for Remote Attendance of Councillors at Meetings using an Audio Visual Link.

### Options

1. As recommended.

Implications: Council will adopt the Procedures for Remote Attendance of Councillors at Meetings using Audio Visual Link, in particular the provisions allowing for approval of urgent requests, in time for the next scheduled meetings in June.

2. Other recommendation to be determined.

Implications: This may delay the introduction of the Procedures, including the provisions for urgent requests that are not contained in the model Provisions provided by the Office of Local Government.

### Background

As outlined to the Council in Report CL21.54 considered at the Ordinary Meeting on 23 March 2021, the Office of Local Government (OLG) issued [Circular 21-01](#), "Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings".

The Council resolved (MIN21.164):

*That Council make the following adjustments to meeting arrangements from 26 March 2021:*

1. *Provide for the return of the public to the gallery as required by the Office of Local Government with arrangements in place to comply with current NSW Health Orders as outlined in the report.*

2. *Receive deputations at Council and Core Committee meetings from 26 March 2021, in person, in accordance with the adopted Code of Meeting Practice and outlined in the report (reflecting our Pre-COVID-19 arrangements).*
3. *Provide comments and feedback to the CEO (Director City Performance) for submission to the Office of Local Government's Consultation Paper on Remote Attendance at Council Meetings (Attachment 2 to the report).*

The required adjustments under Parts 1 and 2 of the resolution were put in place prior to the Development and Environment Committee meeting held on Tuesday 6 April 2021 and remain in place.

With respect to the feedback to the Office of Local Government on their Consultation Paper on Remote attendance (outlined in Part 3 of the resolution), the draft submission was considered and endorsed by Council on 27 April 2021 and submitted to the Office of Local Government on 29 April 2021.

### **The Draft Procedure for Remote Attendance**

On 1 April 2021, the OLG released [Circular 21-02 – Transitioning back to in- person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings](#), which outlines that the *Local Government (General) Regulation 2005* (the Regulation) has been amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for councillors to be personally present at meetings to participate in them. The exemption expires on 31 December 2021.

The Circular outlines the following for what this means for the Council:

- *As of 26 March 2021, councils are now required under section 10 of the Local Government Act 1993 to hold meetings of the council and committees comprising only of councillors in physical venues and to permit members of the public to attend meetings in person, subject to the requirements of any Public Health Order in force at the time and social distancing requirements.*
- *The Regulation amendment operates to exempt councils from the requirement under clause 5.2 of the Model Meeting Code for councillors to be personally present at a meeting in order to participate in it.*
- *For the period in which the Regulation amendment is in force, councils have the option to permit councillors to attend and participate in meetings remotely by audio-visual link should councils choose to do so.*
- *Councils are not required to amend their codes of meeting practice to allow councillors to attend meetings remotely by audio-visual link while the Regulation amendment is in force but should adopt procedures governing attendance by councillors at meetings by audio-visual link to supplement their codes of meeting practice. Suggest procedures are attached to this circular.*

In accordance with the final point above, Council staff have drawn together the proposed procedure outlined by the OLG and provided it as **Attachment 1** to this report for consideration for the Council for adoption, should the Council wish to have procedures in place. It is important for Councillors to note that the adoption of a procedure is recommended but not compulsory. It is the recommendation of Council staff that Council should have a procedure in place to provide clarity for Councillors and meeting Chairs on the requirements and proceedings and avoid ad-hoc or inconsistency in dealing with remote attendance.

Proposed changes have been made to the OLG's suggested procedure (highlighted in yellow in the attached draft procedure) which seek to address some of the issues raised by Councillors in response to the consultation document. They include:

- Clarification of the meetings to which the procedure applies.

- Inclusion in our agenda the determination of any remote attendance requests
- Provision for 'emergency' requests on the date of meetings for circumstances out of the control of Councillors.

**Policy Implications**

This Procedure will provide guidance for Council until the Code of Meeting Practice is amended as a result of any changes the OLG may implement to the Model Code as a result of its consultation.

**Community Engagement**

No community consultation is required for this report considering its procedural nature.



City Administrative Centre  
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra  
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office  
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the City Performance

## Procedures for Remote Attendance of Councillors at Meetings using Audio-Visual Link

**Procedure Number:** PRD21/34 • **Adopted:** [Click here to enter date] • **File:** 3798E • **Produced By:** City Performance • **Review Date:** Tuesday, 7 September 2021

### 1. PURPOSE

To provide the Council with procedures regarding the remote attendance of Councillors at meetings via audio-visual link in the period from the date of adoption until the expiration of the temporary exemption of requirement for Councillors to be physically present at meetings. The exemption and this procedure will expire on 31 December 2021.

This procedure is a supplement to the Council's adopted Code of Meeting Practice.

### 2. PROVISIONS

#### 2.1. What is an "audio-visual link"

2.1.1. For the purposes of these procedures, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

#### 2.2. Approval for councillors to attend meetings by audio visual link

2.2.1. The council and committees of the council that are composed wholly of councillors may, in response to a request made by a Councillor, resolve to permit the Councillor to attend one or more meetings of the council or committee remotely by audio-visual link where it is satisfied that the Councillor will be prevented from attending the meeting/s in person because of illness, disability, caring responsibilities, or such other reason that is acceptable to the council or committee.

2.2.2. These provisions apply to meetings of the Council, Ordinary, Extraordinary & Special, Development & Environment Committee, Strategy & Assets Committee, and Regional Development Committee.

2.2.3. Requests by Councillors to attend meetings remotely by audio-visual link must be made in writing to the Chief Executive Officer at least 7 business days (note: Office of Local Government have advised this should be the same timeframes as Notice of Motions to Committees) before a meeting and must provide information about the meetings the Councillor will be prevented from attending in person and the reason why the Councillor will be prevented from attending the meeting/s in person.

2.2.4. The Chief Executive Officer can receive urgent requests on the day of the subject meeting in the following circumstances:

- There is a situation which has only become apparent on the day which restricts the Councillor from attendance in person, and



*Shoalhaven City Council - Procedures for Remote Attendance of Councillors at Meetings using Audio Visual Link*

- the situation is out of the Councillor's control (i.e. road closure, emergency or other event)
- 2.2.5. A resolution by the council or a committee of the council permitting a Councillor to attend one or more meetings by audio-visual link must provide the following information:
- the grounds on which the Councillor is being permitted to attend meetings remotely by audio-visual link, but not where those grounds relate to illness, disability or caring responsibilities, and
  - details of the meetings the resolution applies to.
- 2.2.6. The council or committee of the council may permit more than one Councillor to attend a meeting by audio-visual link but must not permit all Councillors to attend a meeting by audio-visual link.
- 2.2.7. The agenda for meetings will be amended to allow Council resolution for remote attendance at the time that apologies are considered.
- 2.2.8. A decision to permit a Councillor to attend a meeting remotely by audio-visual link is at the council's or the committee's discretion. The council and its committees must act reasonably when considering requests by Councillors to attend meetings remotely by audio-visual link.
- 2.2.9. The council and its committees are under no obligation to permit a Councillor to attend a meeting remotely by audio-visual link where the technical capacity does not exist to allow the Councillor to attend a meeting by these means.
- 2.2.10. The council and its committees may refuse a Councillor's request to attend a meeting remotely by audio-visual link where the Councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's Code of Meeting Practice on one or more previous occasions when they have attended a meeting of the council or its committees by audio-visual link.
- 2.3. Attendance by councillors at meetings by audio-visual link**
- 2.3.1. Where a Councillor attends a meeting by audio-visual link with the approval of the council or a committee of the council they are to be taken as attending the meeting in person for the purposes of the council's code of meeting practice and will have the same voting rights as if they were attending the meeting in person.
- 2.3.2. The council's Code of Meeting Practice will apply to a Councillor attending a meeting remotely by audio-visual link, in the same way it would if the Councillor was attending the meeting in person.
- 2.3.3. Councillors must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.
- 2.3.4. Councillors must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.
- 2.3.5. Where a Councillor attends a meeting of the council or a committee of the council by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

*Shoalhaven City Council - Procedures for Remote Attendance of Councillors at Meetings using Audio Visual Link*

**2.4. Conflicts of interest**

- 2.4.1. Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's Code of Conduct.
- 2.4.2. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

**2.5. Confidentiality**

- 2.5.1. Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Local Government Act 1993.

**2.6. Maintenance of order**

- 2.6.1. Where a Councillor is attending a meeting by audio-visual link, the Chairperson or a person authorised by the Chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with the council's Code of Meeting Practice.
- 2.6.2. If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the Chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

**3. IMPLEMENTATION**

This procedure is a temporary supplement to the Council's Code of Meeting Practice. Should there be any inconsistencies the provisions of the Code of Meeting Practice will take precedence.

**4. REVIEW**

This procedure will expire on 31 December 2021.

## CL21.94 2020/21 Council Borrowings - Loan Agreement and Required Changes to the Investment Policy

HPERM Ref: D21/144233

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Shoalhaven Loan Agreement FY21 (under separate cover) [⇒](#)  
2. Investment Policy (Updated 2021) [↓](#)

### Reason for Report

This report is being submitted directly to the Ordinary Meeting to seek Council approval to enter into a loan agreement with NSW Treasury Corporation (TCorp) for both General Fund and Waste Fund borrowings and make changes to the Investment Policy as required by the Clause 10.4 of the attached TCorp Loan Agreement.

### Recommendation

That Council:

1. Enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation (TCorp) for the following loans (to be repaid over 10 years) that have been previously endorsed by the Council:

Loan #	Purpose of the Loan	Loan Amount
Loan 1	Moss Vale Road	2,861,200
	Mundamia Urban Release Areas	5,739,920
	Nowra Fire Control Roads	1,400,000
	Boongaree Park	9,000,000
	SCARP Project	2,532,500
<b>Total Loan 1 (subsidised by Low-Cost Loan Initiative):</b>		<b>21,533,620</b>
Loan 2	Shoalhaven Entertainment Centre Upgrade	4,805,158
	SCARP Project	4,000,000
<b>Total Loan 2 (General Fund not subsidised by Low-Cost Loan Initiative):</b>		<b>8,805,158</b>
Loan 3	Waste Organic Processing / MRF	15,000,000
<b>Total Loan 3 (Waste Fund):</b>		<b>15,000,000</b>
<b>TOTAL:</b>		<b>45,338,778</b>

2. Endorse the following changes to the Investment Policy as required by Clause 10.4 of the TCorp Loan Agreement:

S & P Long Term Rating	Portfolio Limit		Counterparty Limit		Tenor Limit	
	Current	Proposed	Current	Proposed	Current	Proposed
AAA	100%	100%	40%	100%	N/A	N/A
AA+ to AA-	100%	100%	30%	100%	N/A	5 years

CL21.94



A+ to A	60%	100%	15%	100%	N/A	3 years
A-	60%	40%	15%	20%	N/A	3 years
BBB+	30%	30%*	10%	10%	N/A	3 years
BBB				5%	N/A	12 months
BBB- and below Local ADIs		5%		5%	N/A	12 months
BBB- and below: Other				\$250,000	N/A	12 months
TCorp	100%	100%	100%	100%	N/A	N/A

\* Of which no more than 10% in investments with a Long-Term Debt Rating of BBB.

## Options

1. Adopt the recommendation in the report and changes to the Investment Policy.

Implications: Council will be able to take up loans and fund capital projects in accordance with the adopted 2020/21 Delivery Program and Budget.

2. Not adopt the recommendation and make an alternative resolution.

Implications: Council will need to seek borrowings from other financial institutions and pay higher interest on loans or delay capital works.

## Background

As part of the Fit for the Future reforms, the NSW Government announced that councils who were declared “Fit” would be able to borrow funds from TCorp at reduced interest rates. Given that Shoalhaven City Council was deemed “Fit” in October 2015, it is eligible to utilise TCorp for borrowing funds at reduced rates for approved purposes.

Additionally, Council applied for Round 3 of the NSW Governments Low-Cost Loans Initiative (LCLI) aimed at accelerating the delivery of infrastructure development projects. A 50% rebate is provided to subsidise interest paid to fund local infrastructure.

Accordingly, Council applied to TCorp for approval to borrow \$45,338,778 to cover General Fund (excluding Holiday Haven) and Waste Fund loan borrowing requirements out of which, \$21,533,620 relates to LCLI.

Council requested quotes from various financial institutions including National Australia Bank, Commonwealth Bank, Westpac Banking Corporation, ANZ Bank and other smaller Banks such as: Bendigo and Adelaide Bank, Suncorp-Metway, Bank of Queensland, Macquarie Bank and AMP Bank.

TCorp’s indicative rate of 1.79% was the most favourable of all the responses received. The second lowest indicative interest rates was 1.968%.

**Loan 1** was endorsed by Council on 28 July 2020: “Funding Local Infrastructure Projects with the Application of the Low-Cost Loan Initiative (LCLI) Round 3”.

**Loans 2 and 3** were approved in principle by Council as a part of the 2020/21 Delivery Program, Operational Plan and Budget adopted on 30 June 2020.

The summary of the proposed borrowings along with the estimated interest expenditure and LCLI subsidy revenue is summarised below:

Loan #	Project	Loan Amount (A)	Estimated Annual Interest (B)	Estimated Annual Low-Cost Loan Subsidy Amount (C)	Annual Net Cost to Council (B-C)
1	Moss Vale Road	2,861,200	51,215	25,608	25,608
1	Mundamia Urban Release Areas	5,739,920	102,745	51,371	51,371
1	Nowra Fire Control Roads	1,400,000	25,060	12,530	12,530
1	Boongaree Park	9,000,000	161,100	80,550	80,550
1	SCARP project	2,532,500	45,32	22,666	22,666
2	SCARP project	4,000,000	71,600	-	71,600
2	Cultural Centres SEC Upgrade	4,805,158	86,012	-	86,012
3	Waste Organic Processing / MRF	15,000,000	268,500	-	268,500
	<b>Total</b>	<b>\$45,338,778</b>	<b>\$811,564</b>	<b>\$192,726</b>	<b>\$618,838</b>

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It is important to note that out of \$45.3M of new borrowings, \$12.5M of principal repayments will be funded by the Section 7.11 Recoupment Reserve, \$15M from the Waste Reserve and \$17.8M from the General Fund.

The estimated total cost of the interest on new borrowings over 10 years is \$6.2M: \$1.1M funded from Section 7.11, \$2.4M by the General Fund and \$2.7M by Waste Reserve as summarised in the 10 year projections table below:

Loan #	Project	Loan Amount \$	Total Interest over Life of the Loan (Net of Subsidy) \$	Funding Source \$
1	Moss Vale Road	2,861,200	256,080	S7.11
1	Mundamia Urban Release Areas	5,739,920	513,710	S7.11
1	Nowra Fire	1,400,000	125,300	S7.11
1	SCARP project	2,532,500	226,660	S7.11
	<b>Total Funded by S7.11 Recoupment Reserve:</b>	<b>12,533,620</b>	<b>1,121,750</b>	
1	Boongaree Park	9,000,000	805,500	General Fund
2	SCARP project	4,000,000	716,000	General Fund
2	SEC Upgrade	4,805,158	860,120	General Fund

	<b>Total Funded by General Fund:</b>	<b>17,805,158</b>	<b>2,381,620</b>	
3	Waste Organic Processing / MRF	15,000,000	2,685,000	Waste Fund
	<b>Total Funded by Waste Reserve:</b>	<b>15,000,000</b>	<b>2,685,000</b>	
	<b>Total</b>	<b>45,338,778</b>	<b>6,188,370</b>	

It is important for Council to gain the best interest rates on borrowings and locking this agreement in place will ensure the lowest interest rate available for the full term of the loan agreement.

However, for the Council to meet the conditions of the T-Corp Loan Agreement Council is required to make changes to the Investment policy as outlined in Clause 10.4 of the Agreement (Attachment 1).

### Required changes to the Investment Policy

In accordance with Clause 10.4 of the Loan Agreement, T-Corp requested following changes to the Council's current Investment Policy. It is important to note that these are the standard requirements for all Councils that borrow from T-Corp.

Independent investment advisor, CPG, reviewed the current Investment Policy and updated it based on the requirements from T-Corp. Other minor changes were made to the policy to improve its readability and relevance. All of the proposed changes to the Investment Policy are also highlighted in yellow in Attachment 2 – Investment Policy (Updated 2021).

In summary the changes are:

- Adjustments to the Portfolio Limits:
  - o For A+ to A rated financial institutions from 60% to 100%
  - o For A- rated financial institutions from 60% to 40%
  - o Adding additional 10% sub-limit for BBB rated financial institutions
  - o For BBB- and below rated financial institutions from 30% to 5% (previously 30% portfolio limit applied to BBB category as a whole)
- Adjustments to the Counterparty Limits:
  - o For AAA rated financial institutions increasing limit from 40% to 100%
  - o For AA+ to AA- rated financial institutions increasing limit from 30% to 100%
  - o For A+ to A rated financial institutions increasing limit from 15% to 100%
  - o Splitting counterparty limits for BBB category: from 10% for all BBB category to 10% for BBB+, 5% for BBB and BBB- and below Local ADIs and \$250,000 for BBB- and below other than Local ADIs
- Establishing specific Tenor Limits for each of the rating categories:
  - o Maximum term of 5 years for AA+ to AA- investments
  - o Maximum term of 3 years for A+ to BBB+ investments
  - o Maximum term of 12 months for BBB and below rated investments

Please refer to the table below for a comparison between current and the new proposed Investment Policy.

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S & P Long Term Rating	Portfolio Limit		Counterparty Limit		Tenor Limit	
	Current	Proposed	Current	Proposed	Current	Proposed
AAA	100%	100%	40%	100%	N/A	N/A
AA+ to AA-	100%	100%	30%	100%	N/A	5 years
A+ to A	60%	100%	15%	100%	N/A	3 years
A-	60%	40%	15%	20%	N/A	3 years
BBB+	30%	30%*	10%	10%	N/A	3 years
BBB				5%	N/A	12 months
BBB- and below Local ADIs		5%		5%	N/A	12 months
BBB- and below: Other				\$250,000	N/A	12 months
TCorp	100%	100%	100%	100%	N/A	N/A

\* Of which no more than 10% in investments with a Long-Term Debt Rating of BBB.

These changes will have limited impact on Council's investment returns based on the current portfolio allocation. Council will have additional savings in loan repayments of \$45,000 per annum when comparing TCorp to the next best offer.

It is noted that Council holds some BBB rated investments outside of new tenor limits. These existing investments will not be terminated and can be held until maturity.

It is also important for the Councillors to note that management has requested an exception from TCorp regarding the tenor limits for Investments in A+ rated financial institutions to remain 5-years rather than 3 years. Management noted that other Councils have received waivers to continue long-standing investment programmes that include liquid assets, hence, Council requested for an amendment of the A+ category from 3-year tenor limit to 5 years. This request will be tabled at the next TCorp Credit Committee meeting and if successful, this will be reported to Council in a future monthly investments report.

### Community Engagement

Community consultation is not required for the proposed changes to the Policy.

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For more information contact the Finance Corporate & Community Services Group

## INVESTMENT POLICY (UPDATED)

**Policy Number:** POL21/23 • **Adopted:** 19/06/2001 • **Reaffirmed:** 28/09/2004, 18/12/2018 • **Amended:** 26/09/2006, 7/10/2008, 1/02/2011, 23/04/2013, 14/10/2014, 24/05/2016, 15/08/2017, 23/02/2018, 26/11/2019, 10/12/2019, 1/12/2020 • **Minute Number:** MIN01.788, MIN04.1165, MIN06.1217, MIN08.1339, MIN11.55, MIN13.368, D14/268858, MIN16.380, MIN17.221, MIN17.701, MIN18.20, MIN18.1023, MIN19.877, MIN19.933 • **File:** 23767E • **Produced By:** City Performance Directorate • **Review Date:** 18/05/2021

### 1. OBJECTIVES

The purpose of this policy is to provide a framework for making decisions concerning the appropriate investment of Council's funds, at the most favourable rate of interest available to it at the time to maximise returns, whilst having due consideration of risk, liquidity and security for its investments.

Council may pursue other objectives that maximise community benefits, including more restrictive rules to qualify for concessional debt funding.

The policy establishes a series of limits within which Council officers must operate in the planning and process of investing Council monies. In setting these limits Council is determining the general level of risk that is acceptable for monies managed on trust for the community of Shoalhaven.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment. Council, therefore, has several **key** objectives for its investment portfolio:

- Compliance with legislation, regulations, the prudent person tests of the Trustee Act and best practice guidelines
- Preservation of the amount invested
- To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements
- Adherence to debt covenants
- To generate income from the investment that exceeds the performance benchmarks mentioned later in this document

### 2. LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

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- Ministerial Investment Order
- The Trustee Amendment (Discretionary Investments) Act 1997 – Section 14
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Investment Policy Guidelines
- Office of Local Government Circulars

### 3. AUTHORITY

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The CEO may in turn delegate the day-to-day management of Council's investment portfolio to the Responsible Accounting Officer and/or other Finance staff who must ensure adequate skill, support and oversight is exercised in the investment of Council funds.

Officers' delegated authority to manage Council's investments shall be recorded and they will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

### 4. RISK MANAGEMENT

Investments obtained are to be considered in light of the following key criteria:

- *Preservation of capital* – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money)
- *Diversification* – the requirement to place investments in a broad range of products so as not to be overexposed to a particular sector of the investment market
- *Credit risk* – the risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document, it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment
- *Fidelity, legal and documentary risk* – the risks of suffering loss from staff or counterparty fraud, theft, failure to document transactions and title with enforceable documents or compensation to third parties for these failures
- *Market risk* – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices or benchmark returns will unexpectedly overtake the investment's return
- ***Covenant risks* – the risk of breaching debt covenants and bearing additional costs**
- *Liquidity Risk* – the risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans)
- *Maturity Risk* – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities
- *Rollover Risk* - the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future



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The following indicates the limitations to be applied so as to avoid these risks:

**a) Authorised Investments**

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth / State / Territory Government securities, e.g., bonds
- Interest bearing deposits / senior securities issued by an eligible authorised deposit-taking institution (ADI)
- Bills of Exchange (< 200 days duration) guaranteed by an ADI
- Debentures issued by a NSW Council under Local Government Act 1993
- Deposits with TCorp &/or Investments in TCorpIM Funds
- Existing investments grandfathered under the Ministerial Investment Order, or under the terms of any debt covenants

**b) Prohibited Investments**

This Investment Policy prohibits the following types of new investment:

- Derivative based instruments<sup>1</sup>
- Principal only investments or securities that provide potentially nil or negative cash flow
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind
- Mortgage of land
- Investment trusts, even where the trusts adhere to the Minister's Order fully with the exception of TCorpIM Funds
- Any other investment written out of the Minister's Order

This policy also prohibits the use of leveraging (borrowing to invest) an investment. However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

**c) Liquidity and Maturity**

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment. Therefore, the maturity dates of each investment must be carefully chosen and reviewed to ensure that cash levels are sufficient to fulfil these estimated requirements.

<sup>1</sup> Prohibited investments are not limited to the list above and extend to any investment carried out for speculative purposes.

Shoalhaven City Council – Investment Policy

**d) Credit Quality Limits**

The portfolio credit guidelines to be adopted will reference the Standard & Poor's (S&P) ratings system format - however, the Minister's Order also once recognised Moody's and Fitch Ratings and **the lowest** of these ratings **(stated in this format) is to be used**.

However, the primary control of credit quality is the prudential supervision and government support and **implicit and** explicit guarantees of the ADI sector, not ratings.

The maximum holding limit in each rating category for Council's portfolio shall be:

Long-Term Rating Range	Maximum % of Portfolio
AAA category	100%
AA+ to AA-	100%
A+ to A	100%
A-	40%
BBB+ to BBB*	30%
BBB- and below category	5%
TCorp Investments **	100%

\* Of which no more than 10% in investments with a Long-Term Debt Rating of BBB.

\*\* Council should refer to the TCorpIM Funds Offer Document dated 1 February 2020 and, section 4 (Risks of Investing) and, if appropriate, seek independent financial advice prior to making any investment in TCorp Investments. Investments are not guaranteed.

**e) Counterparty Limits**

Exposure to individual counterparties/financial institutions will be restricted by their rating so that single entity exposure is limited, as detailed in the table below. No further investment will be made with Unrated institutions **beyond their government guaranteed level, except for local ADIs concentrating in the Illawarra or South Coast regions.**

Individual Institution or Counterparty Limits		
Long-Term Rating Range	Not exceed the smaller of:	
	Maximum % of Portfolio	% of Institution or Counterparty's Net Assets
AAA	100%	n/a
AA + to AA-	100%	n/a
A+ to A	100%	n/a
A-	20%	n/a
BBB+	10%	2%
BBB	5%	2%
BBB- and below: Local ADIs (Authorised Deposit Taking Institutions)	5%	2%
BBB- and below: Other	\$250,000	2%



Shoalhaven City Council – Investment Policy

TCorp Investments	100%	n/a
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**f) Term to Maturity Limits**

Council's investment portfolio shall be structured around the horizon of investment to ensure that liquidity and income requirements are met, **as well as restricting the tenor of individual investments.**

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk method of obtaining additional return as well as reducing the risks to Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook. Judgment of the state of domestic and global economic circumstances should also be carefully considered when making decisions on the terms of an investment.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies
- Medium term financial plans and major capital expenditure forecasts
- Known grants, asset sales or similar one-off inflows
- Seasonal patterns to Council's investment balances

Investment Horizon Description	Horizon	Maximum % of Portfolio
Working Capital Funds	0-3 months	100%
Short-Term Funds	3-12 months	100%
Short-Medium Term Funds	1-2 years	70%
Medium-Term Funds	2-5 years	50%
Long-Term Funds	5-10 years	25%
Working Capital Funds	0-3 months	100%

Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor.

On advice, Council shall designate an appropriate horizon to investment in managed funds, which have no maturity date. In addition, Council may allocate a horizon to eligible tradeable or callable securities which have an anticipated holding period shorter than the legal maturity.

The following tenor limitation applies:

Long-Term Rating Range	Maximum Tenor
AAA category	Not applicable
<b>AA+ to AA- category or major banks</b>	<b>5 years</b>
<b>A+ to A</b>	<b>3 years</b>
<b>A-</b>	<b>3 years</b>

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BBB+	3 years
BBB	12 months
BBB- and below: Local ADIs (Authorised Deposit Taking Institutions)	12 months
BBB- and below: Other	12 months
TCorp Investments	Not applicable

## 5. THIRD PARTY SUPPLIERS AND DEALERS

Council will structure its affairs in order to be economical in its investment management costs, favouring dealing direct in its fixed interest, where possible (or, where intermediated, arrangements that result in a rebate of brokerage).

At times, it will be advantageous to deal with third parties that are remunerated on a transaction, rather than retainer basis. Council will use such suppliers where it is to its advantage, and apply a “best execution” test. Specifically, Council will have regard to:

- Administrative cost savings
- Ability to access higher (retail) rates where exceeding the direct transaction costs
- Access to ADIs that would not normally have an institutional direct channel
- Limited access or initial offering deals, or other secondary market opportunities that are only available from specific sources
- The costs of other distribution channels that do not involve transaction remuneration

Council will take steps to ensure that:

- Any suppliers used are appropriately licensed, reputable and capable
- Funds and identification data are sufficiently secured
- Third party arrangements do not materially worsen Council’s credit risks by creating exposure to the dealer as counterparty
- Council maintains ownership of investments facilitated by a third party at all times
- Remuneration arrangements are reasonable and transparent, whether paid by Council or by the issuer directly

## 6. INVESTMENT ADVISOR

Council’s investment advisor is appointed by the Council and must be licensed by the Australian Securities and Investment Commission (ASIC). The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and are free to choose the most appropriate product within the terms and conditions of the Investment Policy. This includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed unless such remuneration is rebated 100% to Council.

## 7. ACCOUNTING

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.

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In addition to recording investment income according to accounting standards, published reports may show a break-down of its duly calculated investment returns into realised and unrealised capital gains and losses, and interest.

Other relevant issues will be considered in line with relevant Australian Accounting Standards, such as discount or premium, designation as held-to-maturity or on a fair value basis and impairment.

## 8. SAFE CUSTODY ARRANGEMENTS

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments
- Adequate documentation is provided, verifying the existence of the investments at inception, in regular statements and for audit
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
- The Institution or Custodian recording and holding the assets will be:
  - The Custodian nominated by TCorpIM for its Funds
  - Austraclear
  - An investment-grade institution by Standard and Poor's, Moody's, or Fitch rating
  - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement

## 9. PERFORMANCE BENCHMARK

The performance of each investment will be assessed against the benchmarks listed in the table below. It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark by sufficient margin to justify the investment considering its risks, liquidity, and other benefits of the investment, and executed at the best pricing reasonably possible.

Investment	Performance Benchmark	Time Horizon
11am accounts, short dated bills, ADI deposits of appropriate term, TCorpIM Cash.	AusBond Bank Bill Index (Net of Fees and Expenses)	3 months or less
Term Deposits or FRNs of appropriate remaining term.		3 months to 12 months
Term Deposits with a maturity date between 1 and 2 Years, FRNs, TCorpIM Short Term Income.		1 to 2 yrs.
FRNs, Bonds, Term deposits with a maturity date between 2 and 5 Years.		2 to 5 yrs.
TCorpIM Managed Funds (outside fixed interest sectors)	Fund's Internal Benchmark (Net of Fees and Expenses)	3 yrs. (M/T Growth) 5+ yrs. (L/T Growth)

The decision on when to exit such investments are based on a range of criteria specific to the investments – including but not limited to factors such as:

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- Returns expected over the remaining term
- Fair values
- Competing investment opportunities
- Costs of holding
- Liquidity and transaction costs
- Outlook for future investment values

In general, it is expected that professional advice will be sought before transacting in “grandfathered” investments. This policy does not presume disposal; however, the removal of an asset from the Minister’s Order would warrant a review of its suitability for retention.

#### 10. REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in an investment register.

The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council’s behalf at 30 June each year and reconciled to the investment register.

All investments are to be appropriately recorded in Council’s financial records and reconciled at least on a monthly basis. The report will detail the investment portfolio in terms of holdings and impact of changes in market value since the previous report and the investment performance against the applicable benchmark. Council may also nominate additional content for reporting.

A monthly report will be provided to Council detailing the money invested as required by clause 212 of the *Local Government (General) Regulations 2005*.

#### 11. DUTIES AND RESPONSIBILITIES OF COUNCIL OFFICERS

The *Trustee Act 1925* requires trustees to “*exercise the care, diligence and skill that a prudent person of business would exercise*” in investing beneficiary funds, and this test is adopted by the Guidelines, which also state “*A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.*”

As trustees of public monies, officers are to manage Council’s investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

When exercising the power of investment, the council officer should consider the following issues:

- The risk of capital or income loss **as well as other risks referenced in this Policy**
- The likely income return and the timing of income return
- The length of term of the proposed investment
- The liquidity and marketability of the proposed investment
- The likelihood of inflation affecting the value of the proposed investment
- The costs (such as commissions, fees, charges and duties) of making the proposed investment

*Shoalhaven City Council – Investment Policy***12. ETHICS AND CONFLICTS OF INTEREST**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments, as outlined more fully in the Investment Advisor section.

**13. IMPLEMENTATION**

The Finance Section within the Finance Corporate & Community Services Group has responsibility for implementation of this policy.

**14. REVIEW**

This policy shall be reviewed annually and as required in the event of legislative change or as a result of significantly changed economic/market conditions. Any proposed amendments to the Investment Policy must be approved by a resolution of Council.

## CL21.95 Investment Report - April 2021

**HPERM Ref:** D21/199118

**Department:** Finance

**Approver:** Kevin Voegt, Director - City Performance

**Attachments:** 1. Monthly Investment Report Shoalhaven City Council - April 2021 (under separate cover) [📎](#)

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the report from Council's investment advisors not being available in time for the Strategy and Assets Committee meeting.

In accordance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation, a written report is provided to Council setting out the details of all money it has invested.

### Recommendation

That

1. The report of the Chief Executive Officer (City Performance) on the Record of Investments for the period to 30 April 2021 be received for information.
2. Council note Council's Investment Portfolio returned 1.17% for the month of April 2021, exceeding the benchmark AusBond Bank Bill Index (0.04% pa) by 113 basis points (1.13%).

### Options

1. The report on the Record of Investments for the period to 30 April 2021 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 30 April 2021 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 30 April 2021 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 May 2021.

Implications: Nil

### Background

Please refer to the attached monthly report provided by Council's Investment Advisor, CPG Research and Advisory Pty Ltd.

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All investments are within the current Minister's Order. Investments are diversified across the eligible fixed interest universe and well spread across maturities. Available capacity exists in all terms, with medium term particularly relevant to new issues.

### Portfolio Return

Council's Investment Portfolio returned 1.17% for the month of April 2021, exceeding the benchmark AusBond Bank Bill Index (0.04% pa) by 113 basis points (1.13%).

Council's relative outperformance expanded through the falling rate cycle mainly due to longer dated deposits with yields around 1.4%, which is far above any available deposit. The outperformance of Council's Investment Portfolio continues to gradually decline as long-term investments mature and are replaced with low-interest deposits.

The following graph shows the performance of Council's Investment Portfolio against the benchmark on a rolling twelve (12) months basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's Investment Portfolio.



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### Interest Earned – April 2021

The following table shows the interest earned for the month of April 2021. The interest earned for the month of April was \$164,424, which was \$76,972 below the current budget.

Fund	Monthly Budget	Actual Earned	Difference	Revised Budget	Revised Difference
General	\$192,411	\$84,919	(\$107,492)	\$157,068	(\$72,149)
Water	\$62,137	\$48,804	(\$13,333)	\$58,849	(\$10,045)
Sewer	\$29,534	\$30,701	\$1,167	\$25,479	\$5,222
<b>Total</b>	<b>\$284,082</b>	<b>\$164,424</b>	<b>(\$119,658)</b>	<b>\$241,396</b>	<b>(\$76,972)</b>



### Interest Earned - Year to Date

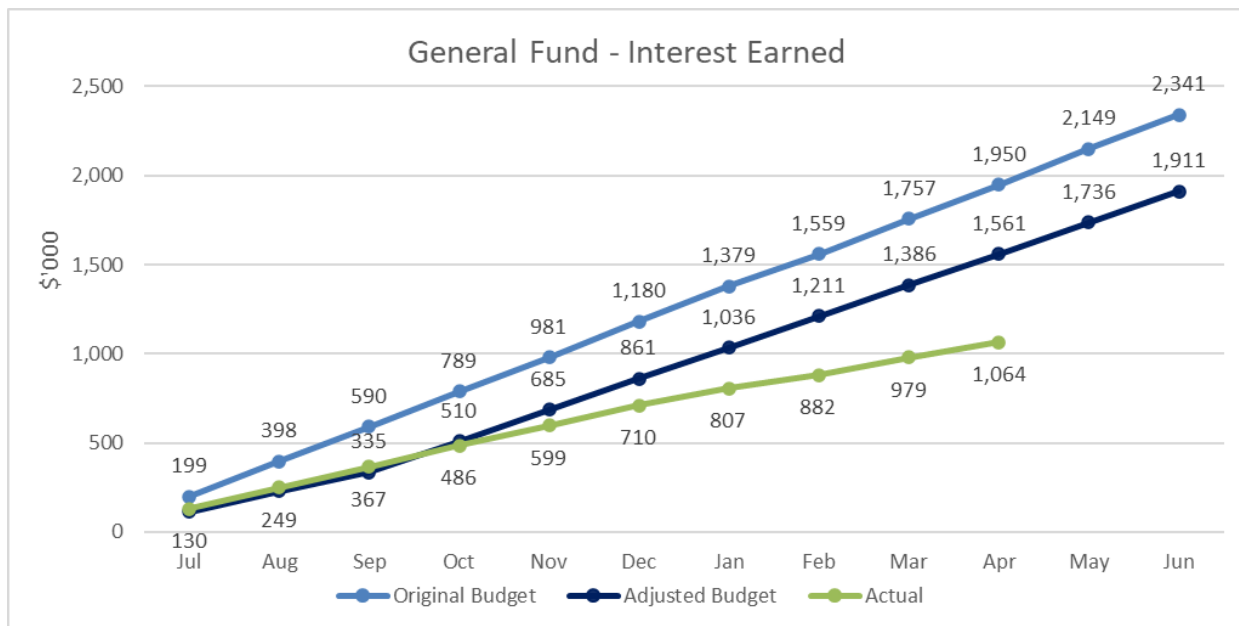
The COVID-19 pandemic has subsequently reduced Council's cash balance, which has resulted in a lower interest income than was budgeted for in the General Fund. In addition, the official cash rate is at a historic low of 0.1%.

The September and December Quarterly Budget Reviews resulted in a reduction in the interest income budget for the General Fund for the first and second quarters. The impact of these events on interest revenue continues to be monitored with necessary adjustments to be reported in future quarterly budget reviews.

The following table shows how the actual amount of interest earned year to date has performed against the total budget forecast with 83% of the year to date, the interest earned to the month of April was \$1,984,004, 67.55% of the current full year budget.

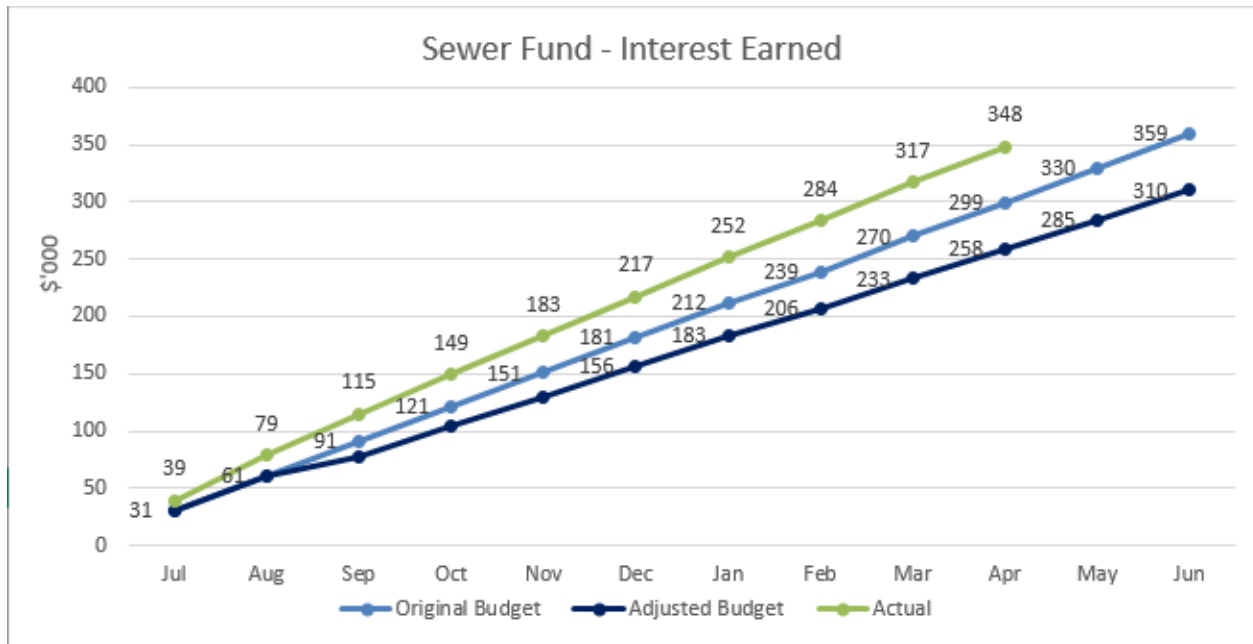
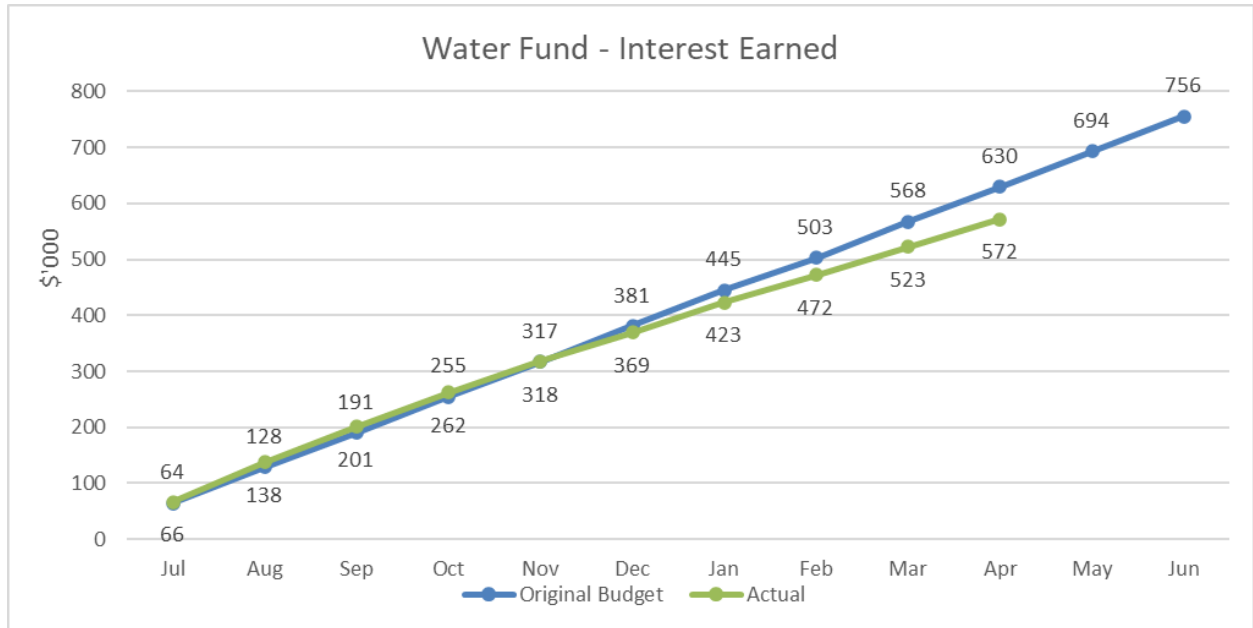
Fund	Original Total Annual Budget	Actual YTD	% Achieved	Revised Budget	Revised %
General	\$2,341,000	\$1,064,375	45.47%	\$1,911,000	55.70%
Water	\$756,000	\$571,674	75.62%	\$716,000	79.84%
Sewer	\$359,333	\$347,956	96.83%	\$310,000	112.24%
<b>Total</b>	<b>\$3,456,333</b>	<b>\$1,984,005</b>	<b>57.40%</b>	<b>\$2,937,000</b>	<b>67.55%</b>

The graphs below illustrate the cumulative interest earned for the year for each fund against budget.



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## Cash and Restricted Assets

RECORD OF INVESTMENTS		
Cash and Investment Balances		
	April 2021	March 2021
<b>Cash and Investments Held</b>		
Cash at Bank - Transactional Account	\$6,221,883	\$6,455,369
Cash on Hand	\$28,191	\$28,191
Other Cash and Investments	\$173,721,628	\$176,842,131
	<b>\$179,971,702</b>	<b>\$183,325,690</b>
Fair Value Adjustment	\$507,593	\$519,491
Bank Reconciliation	\$479,058	\$570,820
	<b>\$986,651</b>	<b>\$1,090,311</b>
<b>Book Value of Cash and Investments</b>	<b>\$180,958,353</b>	<b>\$184,416,002</b>
<b>Less Cash &amp; Investments Held in Relation to Restricted Assets</b>		
Employee Leave Entitlements	7,923,913	7,923,913
Land Decontamination	381,906	387,105
Critical Asset Compliance	1,361,327	1,374,158
Other Internal Reserves	4,441,111	4,557,547
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	2,819,712	5,077,630
Plant Replacement	3,221,009	3,211,349
S7.11 Recoupment	20,038,942	20,085,039
Commitment to Capital Works	1,878,293	1,925,448
Property Reserve	1,121,179	1,129,893
<b>Total Internally Restricted</b>	<b>43,498,561</b>	<b>45,983,251</b>
Self-Insurance Liability	2,208,277	\$2,219,087
Grant reserve	3,747,580	\$4,685,647
Section 7.11	16,624,674	\$16,034,960
Special Rate Variation	4,998,810	\$5,453,984
Storm Water Levy	1,002,693	\$1,048,207
Trust - Mayors Relief Fund	77,280	\$77,267
Trust - General Trust	3,014,442	\$2,984,986
Waste Disposal	13,047,277	\$13,438,160
Sewer Fund	34,918,765	\$30,786,250
Sewer Plant Fund	3,736,029	\$3,633,151
Section 64 Water	20,936,047	\$20,832,412
Water Fund	23,625,356	\$26,933,977
Water Communication Towers	2,338,168	\$2,350,603
Water Plant Fund	4,438,491	\$4,598,556
<b>Total Externally Restricted</b>	<b>134,713,889</b>	<b>\$135,077,247</b>
<b>Total Restricted</b>	<b>178,212,450</b>	<b>\$181,060,498</b>
<b>Unrestricted Cash and Investments</b>		
General Fund	\$2,745,903	\$3,355,504

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### Restricted Asset Movements

The table below lists the major movements in Restricted Assets:

Total Cash	-3,457,649	April was not a rates instalment month
Industrial Land Development Reserve	-2,257,918	Purchase of 3 Schofields Lane Purchase \$1.8M
Grants reserve	-938,067	Expenditure on Foreshore Precinct rehabilitation and Currarong blackspot program
Sewer Fund	4,132,515	Reclassification of Water Digital work project from Sewer fund to Water fund
Water Fund	-3,308,621	Reclassification of Water Digital work project from Sewer fund to Water fund
Unrestricted cash	-609,601	April was not a rates instalment month

### Projects Funded from General Fund Balance

As at the end of April 2021, Council has a list of projects funded from General Fund cash balance and for which grants have not yet been fully received. The total amount of the projects funded from the General Fund balance was \$3.6 million. Below is the list of the Top 5 projects in this category.

Projects	Amount (\$)
Currarong Road - Blackspot Program	\$1,081,885
Shoalhaven Heads River Rd Foreshore Precinct Rehabilitation	\$640,444
School Creek Bridge Disaster Assistance Rebuild	\$359,398
Boongaree - Building Better Regions	\$329,126
Woollamia Maritime - Pontoons West and Revetment	\$264,935

It is noted that the Council was successful in acquiring low interest loans from T-Corp with the loans being approved by the T-Corp Credit Committee. The offer of the loans is currently in progress and will be the subject of Council approval at this Ordinary meeting. Upon acceptance of the Loan Agreement, Council will be able to draw down on the loans and replenish the General Fund Loans Reserve.

### COVID-19 Impact

As at 30 April 2021, 7.49% of properties (4,413) were in default compared to 10.54% as reported on 31 March 2021. The total overdue amount stands at \$7.3M. This is a slight improvement in outstanding rates comparing to previous years.

Despite the negative impact of COVID-19, Council continues to maintain a sufficient level of working capital and management closely monitors the cash position of the Council.

### Financial Implications

It is important for Council to be informed about its investments on a regular basis. Revenue from interest forms a vital part of Council's revenue stream.

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**Statement by Responsible Accounting Officer**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy POL19/72.



Olean Tulubinska

Date: 19 April 2021

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## CL21.96 Proposed Submission - Review of Clause 4.6 of the Standard Instrument LEP

**HPERM Ref:** D21/174432

**Department:** Strategic Planning

**Approver:** Robert Domm, Director - City Futures

**Attachments:** 1. Draft Clause 4.6 Submission - Standard Instrument LEP [↓](#)

### Reason for Report

This report is being presented to Ordinary Meeting due to the relatively short timeframes associated with making a submission (end May 2021).

Advise of the public exhibition by the NSW Department of Planning, Industry and Environment (DPIE) of an Explanation of Intended Effect (EIE) for proposed changes to clause 4.6 of the Standard Instrument Local Environmental Plan and obtain endorsement to make the submission at **Attachment 1**.

### Recommendation

That Council make a submission (Attachment 1 of this report) to the NSW Department of Planning, Industry and Environment in relation to the proposed changes to clause 4.6 of the Standard Instrument Local Environmental Plan.

### Options

1. Endorse **Attachment 1** as Council's submission on the proposed changes to clause 4.6 of the Standard Instrument Local Environmental Plan.

Implications: This is the preferred option as it will enable Council to provide a submission highlighting matters that should be considered.

2. Amend **Attachment 1** and include additional comments as necessary and submit.

Implications: This option will still enable Council to provide a submission; however, the implications of any changes are unknown and may require closer consideration or refinement which may delay Council's submission.

3. Not make a submission.

Implications: This is not recommended as it would prevent Council from having any input and the opportunity to identify issues for consideration or resolution would potentially be missed.

### Background

The NSW Government is committed to the ongoing improvement of the NSW planning system to ensure it is easy to use and understand, promotes strategic planning and integrity, and reduces the risk of corruption. As part of this, DPIE is seeking feedback on how to improve the way clause 4.6 of the Standard Instrument LEP operates and provide certainty to Councils and industry.

Clause 4.6 of the Standard Instrument LEP provides flexibility in the application of development standards in certain circumstances, allowing local Councils to approve a variation to development standards.

An Explanation of Intended Effect (EIE) for the proposed changes to clause 4.6 was on exhibition between 31 March and 12 May 2021 on the NSW Planning Portal at the following link:

<https://www.planningportal.nsw.gov.au/variations-review>

DPIE has received feedback from Councils and industry stakeholders that the interpretation of clause 4.6 over time has resulted in a convoluted and unclear application of clause 4.6, contributing to delays and cost burdens in the development application process and resourcing implications for local councils and the courts.

The current review also cites the recent NSW Independent Commission Against Corruption (ICAC) Inquiry into allegations of impropriety at Canterbury Council (Operation Dasha) and concerns that varying development standards can dilute transparency in the planning system and subsequently open up opportunities for corruption.

In response to issues, the proposed changes to clause 4.6 of the Standard Instrument LEP aim to clarify the requirements for varying development standards and improve transparency and accountability in the planning system.

The proposed changes (part 4 of the EIE) include the following:

- A revised “planning outcomes test” requiring the consent authority to be directly satisfied that the applicant’s written request demonstrates the following essential criteria in order to vary a development standard:
  - i. the proposed development is consistent with the objectives of the relevant development standard and land use zone; **and**
  - ii. the contravention will result in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened. In deciding whether a contravention of a development standard will result in an improved planning outcome, the consent authority is to consider the public interest, environmental outcomes, social outcomes or economic outcomes.
- An alternative test for minor variations where a “improved planning outcome” is difficult to establish but the impact is negligible. Feedback is being sought for the development of this test.
- Removing the ability of Councils to exclude provisions from the operation of clause 4.6. These exclusions are currently listed under clause 4.6(8) of Shoalhaven’s LEPs.
- Strengthening reporting and monitoring by requiring councils to publicly publish their reasons for granting or refusing a clause 4.6 variation on the NSW Planning Portal. The requirement for concurrence will also be removed.
- A range of guidance materials will be released to support the roll out of the new clause 4.6.

#### Draft Council Submission

It is recommended that Council make a submission on the proposed changes to clause 4.6.

The proposed Council submission (see **Attachment 1**) provides comments on the changes proposed in the EIE. The key comments in the proposed submission are summarised as follows:

- The general intent of facilitating variations to development standards in order to optimise planning outcomes is supported; however, a flexible approach must always

begin with an emphasis on compliance. “Exceptional circumstances” should remain the standard.

- Variations permitted under a revised test must always serve the planning objectives for the site, and these objectives will need to be clearly articulated.
- An alternative test will assist in allowing minor variations where appropriate, provided that terms are clearly defined and issues with precedent are properly considered.
- Any changes to 4.6(8) to remove exclusions are generally not supported as they reduce the ability of Council to manage local development controls, create risk that inappropriate concessions will be sought, and may necessitate a substantial review of existing controls.
- There is an opportunity to streamline assessment and reporting through the Planning Portal. If the proposed reforms are implemented there may also be an opportunity for Shoalhaven to revisit the creation of a local planning panel available for referral of any application or relevant applications that requires assessment under clause 4.6.
- Terminology to be introduced in any new test must be very clearly defined otherwise courts will “fill the gaps”.

A ‘draft’ copy of this submission has been lodged with the Planning Portal in order to meet the 12 May deadline. DPIE has advised that a Council-endorsed submission submitted after the deadline will also be accepted and considered.

### Conclusions

The proposed changes to clause 4.6 are intended to allow flexibility in the application of development standards to achieve improved planning outcomes. The stated intent of the changes is generally supported from a planning perspective but flexibility and greater subjectivity in development assessment must be carefully managed. The quality of guidance materials will be crucial to implementing the revised clause.

The changes should also not diminish the ability of Council to manage the appropriate application of development standards.

### **Community Engagement**

The EIE was on public exhibition between 31 March and 12 May 2021 to provide an opportunity for Council, community members and industry stakeholders to provide comments and feedback.

The timeline for implementing the new clause, or whether the draft clause will also be exhibited, is not clear.

### **Policy Implications**

The revised clause will have implications for the assessment of development applications and reporting requirements. The changes may ultimately require the reconsideration and rewriting of a number of provisions in SLEP 2014 to accommodate the changes.

The EIE proposes a one year transition period to allow Councils to review development standards and related objectives and progress planning proposals if necessary.



**Financial Implications**

The proposed changes may necessitate additional work reviewing and rewriting sections of Shoalhaven Local Environmental Plan 2014 to ensure these controls continue to operate as intended.

**Risk Implications**

Some clauses currently excluded from variations under clause 4.6 already provide concessions or variations to overarching development standards. There is a risk that allowing variations of these provisions will see a 'doubling up' of concessions sought by developers, or possible variations to State Infrastructure Contribution requirements.

NSW Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001

By email only:

Dear Sir/Madam

**Submission – Review of Clause 4.6 of the Standard Instrument LEP**

Shoalhaven City Council appreciates the opportunity to comment on the proposed changes to clause 4.6 of the Standard Instrument LEP. Council acknowledges the NSW Government's intent to facilitate a planning system that is simpler, transparent and focussed on better planning outcomes. Comments are provided below responding to the changes proposed in Part 4 of the Explanation of Intended Effect (EIE).

This submission has been endorsed by Council (MINXXX):

**Insert Minute**

**The revised test for variations / The planning outcomes test**

Council is supportive of the overall intent of the revised test insofar as it ensures clause 4.6 is used to optimise planning outcomes within the strategic context of the site. We agree that rigid adherence to predetermined development standards can sometimes lead to an inferior result. In this regard, Council notes the Department's broad promotion of greater flexibility in the application of planning controls. However, it should not be assumed that greater flexibility will always be entirely beneficial when applying development standards. Firm controls can bring clarity to applicants and assessors, are set for sound reasons, and are supported by studies and consultation. Flexibility can, but does not always, facilitate better planning outcomes. "Exceptional circumstances" should be the standard for applying clause 4.6.

Therefore, the starting point in any assessment of a variation under clause 4.6 should always be for the applicant to justify why they can't comply and develop within the established controls. The EIE proposes that the "applicant is required to justify that the contravention of the development standard results in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened". This suggests that two separate proposals will need to be assessed in order to make a proper determination. However, design should not be conceived of two options. There may be any number of options for achieving compliance, or a variation with a theoretical improved planning outcome. An appropriate approach to flexibility is one where the balance is more heavily weighted towards compliance.

Any revised test should make it clear that the "improved planning outcome" is to be tethered to established local planning objectives in order to give greater confidence to all relevant parties. Clause 4.6 should enable the flexible application of development standards, not a flexible approach to whether the development standards ought to apply. Where there is the desire to challenge planning controls or advocate for a different strategic purpose for the site, there are other avenues, such as a planning proposal, that may be more appropriate. It should be clear that the reasons for the variation are to satisfy planning objectives, not facilitate development feasibility or make adherence less onerous for an applicant. A consent authority will need to consider to what extent a variation impacts on each of the proposed criteria and determine appropriate weighting in any given context.

To this end an applicant or consent authority must have a sufficiently clear understanding of what the objectives are in relation to a particular development standard. The purpose of some clauses in Shoalhaven Local Environmental Plan (SLEP) 2014 is to provide for exceptions to a development

standard in an overarching clause. Others are very site specific. Many clauses have stated objectives but others do not. In fact, recent experience in drafting clauses for SLEP 2014 has shown that the NSW Parliamentary Counsel's Office does not always consider listing the objectives within clauses to be a requirement. Will a new test as proposed necessitate a review of all applicable development standards and their objectives?

Terminology used in the proposed planning outcomes test will require clear definition. It will be crucial to clarify what is meant by terms such as "improved planning outcome" or "public interest" and provide guidance on what weighting is to be given to the essential criteria. For example, variations to development standards are likely to result in an improved economic outcome for some and considering the 'public interest' will need to take into account various objections from the community. Council planners are generally well equipped to assess such things but a common ground between applicants and assessors will need to be established to avoid disputes.

Council contends that a maximum numeric limit is not the best way to manage variations under clause 4.6 provided that a consent authority is able to refuse a proposal that is excessive of the standard having regard to the planning outcome overall. The concern is that where a maximum numeric standard applies, a proposal that exceeds the standard may need to be resolved through a planning proposal to change the controls. Metropolitan councils may find maximum numeric standards more appropriate where they are backed up by relevant studies. In some circumstances, exceedance of a numeric limit may trigger an urban design review.

However, it may be beneficial to set a restriction on the variation of development standards that have come into effect after a certain date. It is not a good outcome to set aside a development standard that has clearly been subject to recent studies, consideration, and consultation.

#### **The alternative test**

An alternative test to support minor variations would be appropriate, but as with any other test for clause 4.6, the starting point should be a focus on compliance. While clause 4.6 should remain an option only in exceptional circumstances, an alternative test should make it relatively straightforward to allow minor exceedances associated with lift over runs, servicing, part breaches of height controls in certain circumstances and the like. Additional controls or guidance may be appropriate where two or more development standards are proposed to be breached.

Assistance in the interpretation of basic terms will be required, for example the meaning of 'height' where part of building on a sloping site exceeds a limit, having regard to whether the exceedance results in visibility from the public domain, and so forth. 'Minor' could mean minor but consistent with the relevant objectives, or minor and not consistent. Examples will also assist in guidance materials for the alternative test.

Minor approved variations should take care to avoid issues with precedent as not all 'minor' variations will always be appropriate in any given zone/site. The impact of single, site specific variation may be negligible, but if repeated elsewhere the cumulative effect of the variation may not be so negligible. This may have some relevance for how the information published on the Planning Portal might be used. For example, it should not be the function of such information to provide precedents or 'cheat sheets' for others to vary development standards.

The alternative test must ensure the proposal is: a minor variation and; justified by particular circumstances (so as not to encourage the variation becoming an 'alternative standard'). Naturally, if no improved planning outcome can be demonstrated it must be clear that the variation will not result in a worse planning outcome: this should be built into the alternative test.

#### **Development standards excluded from variations under 4.6(8)**

Council opposes removing the ability of councils to nominate exclusions under clause 4.6(8). SLEP 2014 currently lists six additional clauses, plus certain development standards for miscellaneous uses under clause 5.4, that are excluded from the operation of clause 4.6. The exclusions under 4.6(8) have been nominated by Council to provide certainty and to help protect planning outcomes in specific circumstances in Shoalhaven. The proposed changes to 4.6(8) will have a detrimental impact on the ability of Council to manage the operation of development controls in SLEP 2014.

It is difficult to accept that a small number of exclusions from the application of clause 4.6 “negates” the purpose of the clause. A number of these controls have been written to respond to other sections of the LEP, address specific planning concerns and provide exceptions to development standards in certain contexts. Excluding these clauses from possible variations is considered to be the best way of delivering optimal planning outcomes. One potential risk in allowing these controls to be varied is that proponents may seek to extract additional concessions in such a way that was never the intention of the development standard.

Furthermore, a number of the clauses listed under 4.6(8) do not state their specific objectives. If the proposed planning outcomes test comes into effect, there will be a need to reconsider and likely rewrite numerous clauses throughout the SLEP 2014 to ensure the current purposes of these controls is maintained.

The following clauses are nominated under 4.6(8) in SLEP 2014.

- *4.1E Minimum lot size for certain split zone lots (to the extent that it applies to land in a rural or environmental protection zone)*
- *4.2B Subdivision of certain land in Zone RU1, Zone RU2, Zone RU4, Zone R5 and Zone E4*
- *5.4 Controls relating to miscellaneous permissible uses*
- *6.1 Arrangements for designated State public infrastructure OR 6.2 Public utility infrastructure*
- *7.25 Development on land at Moss Vale Road, Kangaroo Valley*
- *4.1H Exceptions to minimum subdivision lot sizes for dwelling houses on certain land in urban release areas*

Clauses 4.1E, 4.2B and 4.1H already provide for alternative or varied subdivision standards in certain circumstances. In some cases, a significant deviation from the overarching standards (i.e., clause 4.1) may be permitted. It would not be appropriate to facilitate further additional variations to development standards where an exception has already been provided.

For example, clause 4.1H, which was amended as recently as March 2021, affects land within urban release areas and enables more reasonable flexibility in the provision of ‘small lots’ (being lots generally in the range of 300sqm to 500sqm in size), particularly where a development application proposes a minor variation to the relevant Indicative Layout Plan. This clause permits a substantial variation to clause 4.1 and was excluded from variations under 4.6(8) primarily to prevent a further reduction of the minimum lot size. The recent amendment was in part a response to the operation of the clause with respect to variations under 4.6. As such, this clause provides a carefully tailored, balanced approach to the application of a development standard in certain contexts. Other clauses in SLEP 2014, such as 4.1A (not listed under clause 4.6(8)), also allow for variations to the minimum lot size, however clause 4.1A is constituted so that plans for a proposed dwelling are to be assessed at the same time or prior to the application to subdivide, allowing built form to be considered in relation to the size of the lot. A similar requirement may need to be written into a future iteration of clause 4.1H.

Clause 7.25 is very specific in its application with provisions that have been highly tailored in part as a direct response to the capacity of the sewage treatment plant to accept effluent from the site. The clause resulted from a planning proposal that was subject to extensive community consultation.

Clause 6.1 relates to the provision of State infrastructure, including arrangements for State infrastructure contributions. Council is concerned that opening this clause to potential variations risks creating an opportunity for developers to vary requirements for SIC payments. We wonder whether it is the Department's intent to facilitate this in the name of flexibility?

Clause 6.2 relates to provision of infrastructure in urban release areas. The benefits of allowing such requirements to be varied are not clear to Council.

If Council did not consider these limited exclusions under 4.6(8) to be warranted, it would not have utilised the option to add them. The proposed removal of this option negates the ability of Council to manage development controls in a way appropriate to Shoalhaven.

#### **Strengthened reporting and monitoring**

Council does not object to the removal of concurrence requirements. In Shoalhaven's experience, such approval or oversight from the Department is typically not required. Assumed concurrence can work so long as a consent authority has clear and firm criteria against which to assess a proposal. The "expert and merit-based decision making" that is proposed to be maintained through Independent Planning Panels should also incorporate regional areas. If the proposed reforms are implemented there may be an opportunity for Shoalhaven to revisit the creation of a local planning panel available for referral of any application that requires assessment under clause 4.6. This would support a rigorous and independent consideration of any variation to Shoalhaven's development standards.

Measures to make the reporting process more efficient are supported. The move to the Planning Portal provides an opportunity to improve the workflow by integrating assessment and reporting. Whatever data may be required by the Department as part of its reporting requirements should be built into a pro forma. It would be beneficial to be able to access a list of other DAs where a variation has applied to the same development standard. This information will assist strategic planning to see whether a particular development control is operating as intended. Standardised reporting requirements should also include information on the property owner and developer to assist with transparency.

Applicants have indicated that there is an inconsistency between councils regarding application requirements for 4.6 variations. There is an opportunity to ensure minimum requirements apply State-wide and include standards that are accepted or need to be addressed prior to lodgement.

#### **Guidance material**

As foreshadowed above, the guidance material that accompanies any revision to clause 4.6 will be crucial in ensuring the new tests can be clearly understood and applied. Any new guidance material should support a rigorous and clear process for the utilisation of clause 4.6 and assist in explaining decisions to the public, particularly where development standards are performance based rather than prescriptive. Terms used in the proposed planning outcomes test, particularly 'public interest' and others which may be open to subjective interpretation, will need to be defined as clearly as possible to minimise potential disputes between parties. A Planning Circular may be an appropriate place to convey some guidance and clarify definitions. It would be useful to have clarification as to the difference between a prohibition (typically worded as "must not" in the LEP) and a development standard in terms of utilising clause 4.6. Guidance should also address when a variation under clause 4.6 is more appropriate than a planning proposal, and vice versa.

A predictable review period may be the basis for updating guidance materials, otherwise new case law would be an appropriate trigger for a review. The concern is that new and ongoing legal proceedings will eventuate (such as been the case with the current version of clause 4.6) if there is any uncertainty or if issues are not sufficiently addressed when implementing the revision to clause 4.6. Further ambiguities may very well arise from each new judgment by the Courts.

Thank you again for the opportunity to comment on the proposed changes to clause 4.6 of the Standard Instrument LEP. Council appreciates the Department's consideration of the comments made in this submission and would also like an opportunity to comment on any draft clause that may be exhibited. We remain available to discuss the content of this submission further, if required.

## CL21.97 Proposed Submission - NSW Planning Reforms - Building Business Back Better

**HPERM Ref:** D21/177486

**Department:** Strategic Planning

**Approver:** Robert Domm, Director - City Futures

**Attachments:** 1. Draft Submission - Building Business Back Better (under separate cover) [⇒](#)

### Reason for Report

This report is presented to the Ordinary Meeting due to the timeframes associated with making a submission (May 2021).

Advise of the public exhibition by the NSW Department of Planning, Industry & Environment (DPIE) of an Explanation of Intended Effect (EIE) for proposed amendments to the NSW planning system relating to complying development pathways for employment lands and obtain Council endorsement to make the submission at **Attachment 1**.

### Recommendation

That Council:

1. Endorse the draft submission on the proposed planning reforms related to amendments to complying development pathways for employment lands (Attachment 1) so it can be finalised and sent to the NSW Department of Planning, Industry & Environment for consideration.
2. Request further consultation/engagement regarding the proposed reforms before they are finalised.
3. Receive future reports, if required, to enable further comment on the detail of the proposed planning reforms.

### Options

1. As recommended.

Implications: This is the preferred option and will enable Council to provide a submission highlighting matters that should be considered in relation to the proposed reforms.

2. Make changes to the draft submission (**Attachment 1**) and submit.

Implications: Will still enable a submission to be made, however, the implications of any possible changes are unknown and may require closer consideration or refinement.

3. Not make a submission.

Implications: This is not favoured as it will mean Council does not provide input on the proposed reforms which could have a range of implications.

### Background

The NSW Government is currently proposing amendments to the NSW planning system to:

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- Provide a streamlined assessment pathway for job-creating development, where the environmental impacts are well understood and managed through development standards.
- Expand the complying development pathway provisions in employment zones to support existing and emerging business, such as data centres and circular economy, so that more activities can be undertaken without the need for a development application.
- Ensure planning and building standards can be signed off by an accredited certifier.
- Support emerging and local business social and economic recovery.

The reforms area aimed at stimulating development and employment opportunities following the COVID-19 pandemic, utilising the planning system as a tool to accelerate the delivery of projects, create jobs, and keep the economy moving.

A copy of the proposed amendment package can be viewed at the following link:

<https://www.planningportal.nsw.gov.au/building-business-back-better>

To support the above objectives, DPIE are proposing two areas of reform in relation to employment lands:

- Complying development reform.
- Employment zone reform.

In order to achieve this, the EIE, which is the key component of the exhibition package, outlines proposed amendments to the following instruments:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).*
- *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).*
- The Standard Instrument (SI) Local Environmental Plans (LEP).

The amendments to Codes SEPP intend to streamline the assessment process for industrial and commercial development using complying development pathways. This proposed change to the SEPP is intended to take effect in mid-2021.

The second aspect of the package relates to an employment zone reform. The proposed policy reforms relate to industrial (IN) zones and business (B) zones only and intends to enable Councils to align strategic planning outcomes more clearly with zone objectives and land use tables. As part of the proposed zone reform, the SI LEP will be amended (following public exhibition in mid-2021) to introduce the new framework. Implementation will be staged from September 2021 until mid-2022 using self-repealing SEPPs to amend all Council LEPs.

A summary of the proposed changes in the package is provided below:

- Amendments aim to address problems with the current configuration of change of use, first use provisions and the separate listings for uses that can undertake additions, alterations or new builds.
- Reform package proposes a new approach to complying development for existing and emerging employment-generating business and industry. This includes allowances for a new and expanded range of land uses to be introduced to the Codes SEPP, considered suitable for utilising the complying development pathway, this includes:
  - Industrial and warehousing developments
  - Commercial and retail development

- Healthcare and medical research facilities
- Business parks and enterprise precinct
- Neighbourhood and local centres
- Data Centres
- Master planning
- DPIE is also consulting on 'business agility' amendments, such as:
  - Permitting hours of operation from 7am to 10pm, irrespective of existing consent requirements (such as the intrusiveness and amenity criteria from the Noise Policy for Industry).
  - Permitting 24-hour operation in industrial zones, irrespective of existing consent requirements.
- Additionally, where a land use is permitted within the zone under LEP, a complying development certificate can authorise a new build, alteration, addition or change of use or a combination of these things – i.e. change of use and additions.
- Part C of the EIE proposes a range of zone-based building controls via the introduction of a new business zone design guide and design verification process. This includes new building allowances for commercial buildings up to 5 storeys in some zones. Some revised industrial zone building standards are proposed for zones IN1 to IN3, including:
  - Increasing allowable floor area from 20,000m<sup>2</sup> to 50,000m<sup>2</sup>, subject to existing LEP Floor Space Ratio (FSR) controls.
  - Increasing allowable building height in zones IN1, IN2 and IN3 from 15m to 18m where the existing LEP height is less than 18m.
  - Permitting building heights up to 45m where no LEP height limit exists, subject to other requirements.

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### Review comments

The proposed reforms have been reviewed by relevant sections of Council and the following comments reflect the feedback received.

The proposed reforms seek to introduce a number of changes and the following are generally supported:

- Allowing new builds and alterations and additions in business zones up to 10,000m<sup>2</sup> and five storeys within the B5, B6 and B7 zones, subject to existing LEP height, FSR and landscaped area controls as complying development. This would be subject to development standards being met and no land-based exclusions being present.
- Master planning pathways for Councils.
- New and consistent land use term to assist private certifiers characterise development.

However concerns have been identified in relation to the proposed changes and potential impact on both Council and the broader community, including;

- The reforms appear to be 'metro-centric' in nature. Industrial estates in Shoalhaven are relatively small compared to Sydney. Proposed amendments have the potential to change the existing character/nature of development in an area and many of the controls may not be achievable in Shoalhaven.

- Increases exempt and complying development and development without consent which will mean that the community/adjoining owners will have less opportunities to have a say.
- Enabling any land use that is permissible within the relevant LEP zone to be undertaken as complying development will almost render the development assessment process for several land uses null-and-void.
- Enabling commercial premises in the B5 to B7 zones has the potential to further attract retail premises from town centres. Whilst this may not be an issue in metro areas, in some regional areas where vacancy rates are already high within traditional retail centres (for example Nowra CBD) this could have a significant or undesirable impact.
- Many B1 zones within Shoalhaven are small and within existing residential areas. Expanding the range of land uses permissible in this zone, to enable traffic generating development (i.e. medical centres, amusement centres) where parking is already limited, will potentially create issues for residents, particularly where no additional parking is required for existing buildings under 500m<sup>2</sup> with a complying development certificate for a change of use.
- The proposed increases to building heights and allowable floor areas are significant and have the potential to be out of character in regional areas. Many of the proposed setbacks may not be achievable, preventing some developments from utilising the Codes SEPP or creating situations where lots need to be amalgamated to achieve the intended outcome.
- Increasing state-wide Guidelines and the types of development that are permitted through the SEPP Review creates a range of concerns/confusion and may reduce the ability to consider development applications on their merit.
- Whilst the list of land uses is proposed to expand, the current planning standards within the Codes SEPP that relate to amenity (i.e. car parking, noise etc.) will remain the same. These are often deficient when compared to more robust planning controls, such as those within Development Control Plans (DCPs) and are not considered sufficient for traffic generating developments, such as medical centres and health consulting rooms.
- The intention to change hours of operation and permit 24-hour operation in industrial zones, irrespective of existing consents, has the potential to be problematic. Particularly where the original approval may also have been controversial, there were multiple community objections, or the site location is within proximity to a residential area.
- Minor external alterations to existing buildings within HCAs and on the site of listed local heritage items as exempt and complying development is not supported. The existing LEP clause 5.10(3) process works well.
- The assessment process and tools associated with Data Centres is concerning and needs more consideration and clarity.
- Enabling additional uses in the industrial and commercial zones will potential not facilitate growth and economic value add, but could facilitate undesirable planning outcomes and land use conflict.

For business growth to increase in industrial and commercial zones, the following actions would however assist:

- Telecommunications services - Metropolitan speeds and pricing.
- Seed funding to open undeveloped industrial zoned land.

- Addressing the impost of the NSW Biodiversity Conservation Act on the viability of subdivision and releasing industrially zoned land.

The proposed submission at **Attachment 1** provides more detail on these concerns and other matters of interest to Shoalhaven.

### Conclusion

Whilst Council is keen to develop and grow our employment lands, this must be done in an appropriate way. A 'one-size-fits-all' approach may work within the metropolitan area but is problematic and may not assist in regional areas.

There is also a need to make sure that any planning reforms in this regard consider and balance the potential adverse community etc impacts that could result.

### Community Engagement

The EIE was on public exhibition between 31 March and 9 May 2021 to provide an opportunity for Council, the community and industry stakeholders to provide comments and feedback.

Due to reporting dates, a draft staff submission based on **Attachment 1** was provided to DPIE on 9 May 2021 as a 'placeholder'. The Council endorsed submission will then be provided following this meeting.

### Policy Implications

In response to the proposed changes to Council LEPs and the Codes SEPP, the EIE outlines that the following amendments to the NSW planning system will be required:

- Environmental Planning & Assessment Regulation:
  - A noise-compliance certificate must be submitted with a complying development application for a data centre.
  - A design verification statement must be submitted with a complying development application for certain new buildings and additions in business zones.
  - A master plan for complying development must be endorsed by the relevant Council before the minister considers it.
  - Specified documentation that must be submitted with a complying development application under a master plan for complying development.
  - Amendments to Schedule 3 to clarify that certain circular economy land uses are not designated development.
- Codes SEPP:
  - Introduce savings and transitional provisions in relation to the proposed amendment to Codes SEPP, to ensure that current complying development certificate applications made under Part 5, 5A or 5B can be made.
- ISEPP:
  - Update Division 3 'Data Storage' of ISEPP to align with the proposed definition for data centres.
- The SI LEP:
  - Introduce a definition for data centres.

Council will have another opportunity to consider the implications of the changes to the SI LEP during another period of public exhibition later in 2021. This change will have a direct impact on Council's LEPs.

### **Financial Implications**

There are no immediate financial implications for Council; however, Council's Development Assessment Planners currently assess the majority of relevant commercial and industrial development across the LGA. With the increasing nature of complying development, the number of development applications that Council receives will be reduced, which will likely have both financial and resourcing implications for Council in the future.

### **Risk Implications**

There are concerns that the increasing nature of exempt and complying development and development without consent, along with the expanding Codes SEPP means that the community is slowly having fewer opportunities to have a say as it reduces the community's ability to consider development applications on their merit. Understanding the planning system and what is permissible where and how is a growing broader concern.

## CL21.98 NSW Emergency Operations Centres (EOCs) Critical Upgrade Program

**HPERM Ref:** D21/196555

**Department:** Technical Services

**Approver:** Stephen Dunshea, Chief Executive Officer

**Attachments:** 1. NSW EOCs Critical Upgrade Program: Funding Guidelines (councillors information folder) [⇒](#)

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to funding which has been made available to the Emergency Operations Centre at 92 Albatross Road Nowra from Resilience NSW.

### Recommendation

That

1. The Report of the Chief Executive Officer on the NSW Emergency Operations Centres (EOCs) Critical Upgrade Program and funding opportunities be received for information.
2. Council formally thank Resilience NSW for the funding offer to upgrade the Emergency Operations Centre located at 92 Albatross Road, Nowra to a “Backbone” Emergency Operations Centre (\$134,208 excl GST).

### Options

1. Council accepts the funding as recommended.

Implications: Council receives the funding

2. Council makes alternate recommendation.

Implications: Council may not receive funding

### Background

Following the completion of the NSW Emergency Operations Centres (EOCs) Strategic Review in May 2020, Resilience NSW is now rolling out the NSW Emergency Operations Centres Critical Upgrade Program to help upgrade “backbone” EOCs. The EOC located at the Integrated Emergency Management Centre, 92 Albatross Road, Nowra has been identified as a “backbone” EOC and is therefore eligible to receive Program funding for upgrades that will help bring it up to the new agreed minimum specification for an EOC.

The Program’s intended outcome is for NSW to have appropriately equipped, agile and strategically located “backbone” EOCs in metro, regional and remote locations that are combat ready for managing emergency response and recovery operations.

The Program has allocated one-off funding of \$134,208 to the Nowra EOC that aims to assist the Council to deliver upgrades to the Nowra EOC. The draft list of funded items identified in the Funding Deed of Agreement for upgrade are listed in the table below:

<b>Funded Item</b>	<b>Estimated Cost</b> (\$, funded item determined from the facilities gaps reported by LEMO/REMO/LEOCON at the June 2020 survey)
<b>Dedicated Internet infrastructure</b> • Fast and reliable Internet connection specifically dedicated to EOC room	\$83,400.00 per backbone EOC site
<b>Enterprise printer</b> • Enterprise, multi-function, B&W and coloured printer with A3 printing, email, and scanning capability	\$7,500.00
<b>Laptop with mobile data and standard applications</b> • Approximately 4 x laptops	\$12,000.00
<b>AM/FM emergency radio</b>	\$100.00
<b>Mobile satellite wi-fi modem + satellite phone</b>	\$8,840.00
ESTIMATED SUBTOTAL	\$111,840.00
CONTINGENCY at 20%	\$22,368.00
<b>ESTIMATED TOTAL</b>	<b>\$134,208.00</b>

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### Community Engagement

Whilst no direct community engagement is required to take place this funding will be reported to members of the Local Emergency Management Committee and identified to community members such as Community Consultative Committees and other community groups whilst undertaking educational sessions at the EOC.

### Policy Implications

Nil

### Financial Implications

Funding subject to the terms and conditions set out in the Funding Deed of Agreement.

### Risk Implications

Nil



## CL21.99 Report Back - Closure of Scenic Drive/Bridge Road Intersection, Nowra and Options

**HPERM Ref:** D21/175006

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to time constraints and the interactions with the Nowra Riverfront Advisory Taskforce.

Report back to Council on the October 2020 (MIN20.742) resolution and confirm the direction and next steps in this regard following the Council Briefing on 25 March 2021.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept that the Scenic Drive and Bridge Road intersection will remain closed as a result of the Shoalhaven River Bridge Project which has been designed to bring the bridge approaches much closer to Scenic Drive and Bridge Road intersection and thus would make this intersection unsafe.
2. Adopt Concept Plan 2315.07 (the land acquisition option) as its preferred alternative arrangement to the foreshore access provided by the Scenic Drive and Bridge Road intersection. This option has the following characteristics:
  - a. Consistent with the intent of the Nowra Riverfront Leisure and Entertainment Precinct: Strategic Direction Review and Analysis and Proposed Planning Controls Report.
  - b. Ballpark cost estimate of \$4.5 million
  - c. Traffic Lights at the Bridge Road and Hyam Street Intersection
  - d. Roundabout at the intersection of Hyam Street and a new road servicing the Nowra Riverfront Leisure and Entertainment Precinct
  - e. Approximately 220m of new road construction
  - f. Property acquisitions
3. Seek confirmation that the NSW Government will commit to constructing Council's preferred option as an alternative arrangement to the TfNSW's forced closure of the Scenic Drive Bridge Road intersection before the Bridge Project is completed; noting that detailed work will be required to confirm the actual scope and cost of the works and this should be done by TfNSW in close consultation with Council's CEO (Director City Services).

### Options

1. Do Nothing  
Advantages:  
Nil

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Disadvantages

- Increased traffic on Hyam St, Mandalay Street, Shoalhaven St, and Scenic Drive (West).
- Increased traffic negatively affecting the broader Nowra traffic network.
- Distance from current Scenic Dr/Bridge Rd Intersection to Nowra River Foreshore (Nowra Pool for reference) – 1.160km.  
Note: route is Bridge Rd – Shoalhaven St – Scenic Dr. Mandalay Ave has not been included due to narrow width and high on street parking utilisation.
- Approximate time to travel from current Scenic Dr/Bridge Rd Intersection to Nowra River Foreshore (Nowra Pool for reference) by car – 3 minutes.

2. Support the Land Acquisition Option (As recommended)

Advantages:

- Traffic lights to manage the intersection of Bridge Rd and Hyam St.
- Distance from the existing Scenic Dr/Bridge Rd Intersection to Nowra River Foreshore (Nowra Pool for reference) – 0.510km
- Approximate time to travel from the existing Scenic Dr/Bridge Rd Intersection to Nowra River Foreshore (Nowra Pool for reference) by car – 1 minute, 30 seconds.
- Estimated cost pending investigation and design \$4.5M
- The existing ground is likely to have solid foundation for road construction.
- This alignment is unlikely to have negative effects on the wider stormwater network.
- Consistent with the intent of the of Nowra Riverfront Leisure and Entertainment Precinct: Strategic Direction Review and Analysis and Proposed Planning Controls Report

Disadvantages:

- Increased traffic on Hyam St to the intersection with Keft Ave.
- Acquisition of private land including that of existing dwellings.
- Tree removal will be required to construct the road.

3. Support the Drainage Reserve Option

Advantages:

- Traffic lights to manage the intersection of Bridge Rd and Hyam St.
- Distance from the existing Scenic Dr/Bridge Rd Intersection to Nowra River Foreshore (Nowra Pool for reference) – 0.600km
- Approximate time to travel from the existing Scenic Dr/Bridge Rd Intersection to Nowra River Foreshore (Nowra Pool for reference) by car – 1 minute 45 seconds.
- Proposed road to be built on existing Council Land.
- More consistent with the Nowra Riverfront Leisure and Entertainment Precinct: Strategic Direction Review and Analysis and Proposed Planning Controls Report.

Disadvantages:

- Increased traffic on Hyam St to the intersection with Osborne St.
- Estimated cost pending investigation and design in excess of \$4.5M
- The engineering challenges of building a road through and over a drainage reserve without having negative impacts on the wider stormwater network will increase the risk of additional funds and time being required.
- Tree removal will be required to construct the road.

**Background**

Following a Notice of Motion, it was resolved in October 2020 (MIN20.742) that:

1. *Council make urgent representation to Transport for NSW regarding the closure of Scenic Dr Nowra, requesting a permanent reopening of Scenic Dr Nowra because of the adverse traffic impact the closure will have on the long term planning of the precinct, including the following:*
  - a. *The residential safety in other streets feeding the area (Hyam St, Mandalay Ave, Shoalhaven St and Scenic Dr)*
  - b. *The effect the closure will have on the economics of the operation of the Nowra Aquatics Centre.*
  - c. *The ability to hold events such as the River Festival.*
  - d. *Traffic safety around the Shoalhaven Hospital.*
  - e. *The long-term redevelopment of the area for tourist and high-density residential development.*
  - f. *The cost of the property acquisition and for the construction of a new access road into the precinct to overcome the effect of Transport for NSW's actions in closing Scenic Drive.*
2. *An urgent meeting be requested with the Hon. Shelley Hancock MP and the Hon. Gareth Ward MP and the Manager of Transport for NSW, to seek a reversal of the decision if Transport for NSW decline the request.*
3. *The CEO seek legal advice on the Council's ability to challenge Transport NSW's decision to close Scenic Drive in light of the above.*
4. *The CEO (Director City Services) prepare concept plans that include possible acquisition of land that would allow for the continuation of 2-way traffic into Scenic Drive.*

This report covers actions arising from the most recent Council briefing on 25 March 2021 related to this resolution.

It also discusses the next steps regarding this issue, specifically provision of the required alternate new access into the precinct arising from the closure of Scenic Drive.

**Council Briefing on 25 March 2021**

The briefing Covered the following:

October 2020 – Representations to Transport for NSW (TfNSW)

Advised of the Council resolution and presented concept plan for alternate access into the area, with an estimated cost of \$4.5 million and including the following:

1. Traffic Lights at the Bridge Road and Hyam Street Intersection

2. Roundabout at the intersection of Hyam Street and Keft Ave
3. Approximately 220m of new road construction
4. Property acquisitions

Requested that TfNSW fund the required outcomes as compensation for Scenic Drive/Bridge Road closure.



*Map 1 - Plan that Accompanied Oct 2020 Letter*

The briefing concluded with a discussion on need to:

- Settle a Council position on the Scenic Drive/Bridge Road intersection - preference is that it remains closed.
- Keep working to realise the new transport network - new access road/s into the precinct off Hyam Street.
- Request the NSW Government to provide funding to implement the new transport network.

#### December 2020 – TfNSW Response

TfNSW advised that the Intersection will remain closed due to safety concerns.

Closure option was discussed at a Council Briefing (March 2020) and in the detailed design exhibition (mid 2020).

Permanent closure allows safer use of foreshore for events, improved safety and reduced traffic management implications. TfNSW believe closure is consistent with the Riverfront Masterplan work.

TfNSW committed to continuing to work with Council, Health Infrastructure, local businesses, and community. They are happy to support further investigation of options and will continue to work with Council on an alternative funding source to progress this work.

February 2021 – Nowra Riverfront Advisory Taskforce Meeting (NRAT)

TfNSW reported that meetings had been held involving staff from TfNSW, Council, NSW Health, DPIE and NSW Ambulance.

Formal position was put to NRAT to endorse an agreed position not safe/appropriate to have direct vehicle access at Scenic Drive/Bridge Road and stakeholders will work on alternative transport network.

Council to consider detailed transport network for the precinct and present a refined concept to NRAT.

NSW Ambulance noted they did not typically use Scenic Drive and endorsed the agreed position re permanent closure.

The outcome of the meeting was:

- Council to organise briefing on the Scenic Drive Resolution paper provided by TfNSW – was held on with Councillors on 25 March 2021.
- TfNSW will continue to support Council in the development of an integrated future transport network that will support Council's vision for the Riverfront Precinct.

2018/2019 Riverfront Masterplan

The masterplan for the broader riverfront precinct was adopted by Council in late 2018 and publicly released in 2019. It identifies a future potential urban outcome.

In the area west of the Highway the masterplan identifies the following potential catalysts for change

- New significant riverfront open space.
- Closure of Scenic Drive between river and pool.
- New access roads off Hyam Street into the precinct (also help define edges of open space)



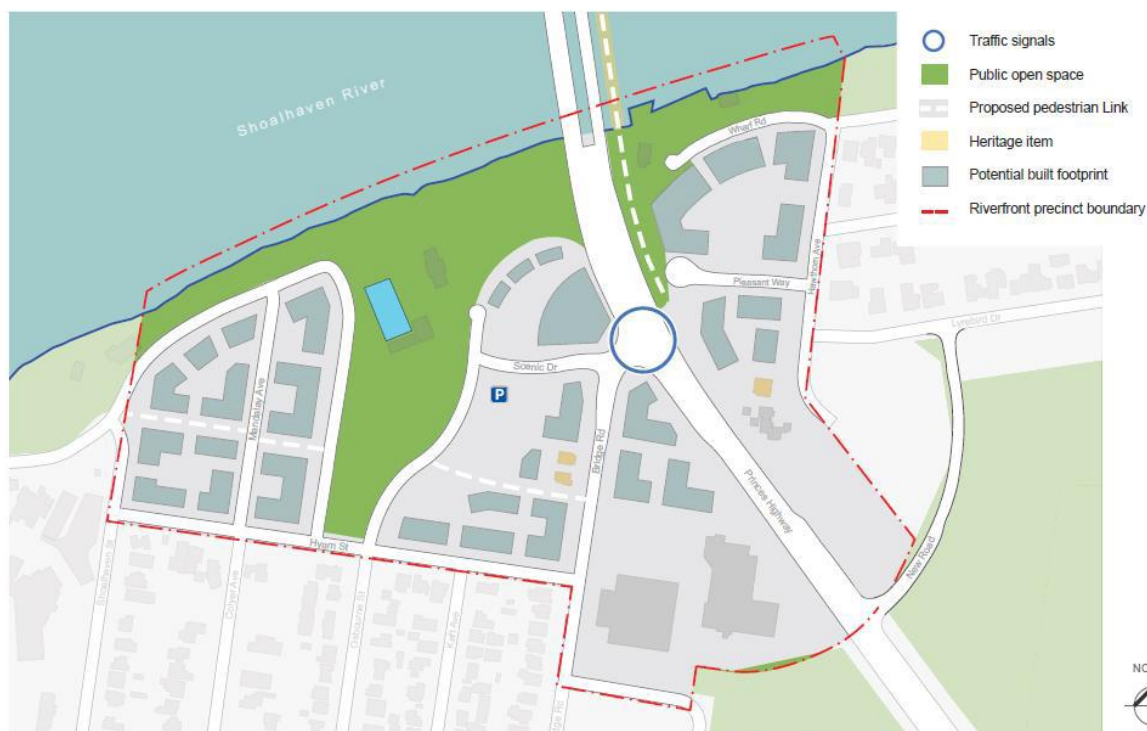


Figure 3 Potential future urban structure - note the potential building footprints shown here may need to be revised (see addendum)

Map 2 - 2019 Masterplan – Potential Urban Structure



Map 3 - 2021 Updated Potential Urban Structure – Presented to NRAT

### Intersection of Bridge Rd and Hyam St

Council's strategic modelling has identified the need to upgrade this intersection to address safety and effectively manage traffic associated with the CBD, the entertainment and administration precinct, Shoalhaven Hospital, and the river foreshore precinct. In 2020 Council commissioned studies to support an application to TfNSW for funding under the

CL21.99

Safer Roads grant fund scheme to construct traffic lights. The studies include a Road Safety Audit and Traffic Modelling. The results of these studies are summarised below:

- Road Safety Audit – Generally recommends the installation of a roundabout or traffic signals.
- Traffic Modelling – The results indicate the closure of Scenic Drive will adversely impact the intersection of Bridge Road / Hyam Street, but this can be managed with a signalised treatment. It is also noted that in practice, typically pedestrians will start to experience difficulty crossing at intersections well before these thresholds are reached. It is good practice to signalise junctions where pedestrian accessibility is important ahead of when theoretical thresholds are reached.

Council submitted an application to TfNSW for funding under the Safer Roads grant fund scheme to construct traffic lights in September 2020. The application was not supported by TfNSW. TfNSW advised Council to consider a roundabout at this intersection.

### Next Steps

There was a general consensus amongst the Councillors present at the briefing on 25 March 2021 that:

- The Scenic Drive/Bridge Road intersection will remain closed as a result of Shoalhaven River Bridge Project.
- NSW Government needs to commit to funding the new access road into the precinct off Hyam Street in the short term in lieu of the closure of the Scenic Drive/Bridge Road intersection (Note: this should not wait for the development of a wholistic new transport plan for the overall precinct).

There are essentially two potential options to realise the new access road/cul-de-sac into the precinct off Hyam Street in the short term that could have a similar cost, but different unknowns:

#### Option 1 – Land Acquisition Option

As shown conceptually on Map 1.

This option may be preferred as it is potentially easier to achieve from a construction perspective; however, it involves private land acquisition and there are unknowns in this regard (timing and cost).

This option is consistent with the masterplan in that it links Hyam Street to Scenic Drive between Mandalay St and Bridge Road.

#### Option 2 – Drainage Reserve Option

As shown conceptually on Maps 2 and 3.

This option utilises vacant/undeveloped land that is already in Council's ownership (drainage reserve). It potentially provides a fall-back option should Option 1 prove difficult to realise.

This option is presented within the masterplan; however, there are unknowns around geotechnical and drainage considerations that would require closer investigation. Since the masterplan was published the complexities of this option have been further understood and thus it is now not the preferred option



## **CL21.100 Sanctuary Point District Library - Outcomes of Public Exhibition of Concept Design**

**HPERM Ref:** D21/129354

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:**

1. Public Exhibition Document - Sanctuary Point District Library Concept Design (under separate cover) [⇒](#)
2. Summary Report - Get Involved Page - Sanctuary Point Library Public Exhibition 31 March - 30 April 2021 [↓](#)
3. Summary of Survey Submissions - Public Exhibition 31 March - 30 April 2021 (under separate cover) [⇒](#)
4. Consultant Report – Community Presentation Days (under separate cover) [⇒](#)
5. Carparking Strategy [↓](#)
6. Design Changes to Concept [↓](#)

### **Reason for Report**

This report is being submitted directly to the Ordinary Meeting due to the timings of outcomes from the community consultation and submission of the Development Application.

To report on the outcomes of the public exhibition and the broader community consultation of the concept design of the Sanctuary Point District Library as per part 3 of MIN21.126.

### **Recommendation**

That Council:

1. Note the submissions provided on the concept design of the Sanctuary Point District Library for information.
2. Adopt the concept design, as publicly exhibited, with the following minor changes (as displayed in Attachment 5):
  - a. Research Room relocated
  - b. Stairwell relocated and shape changed to assist with mechanical reticulation
  - c. Breakup of sunshade on front of building
  - d. Solid precast wall incorporated to reduce heat
  - e. Technology Room relocated to north east corner
  - f. Corridor and lift relocated
  - g. A solid precast wall incorporated to manage heat gain / loss at front of building
3. Lodge a Development Application for the Sanctuary Point District Library on the corner of Paradise Beach Road and Kerry Street, Sanctuary Point as per MIN20.33 and MIN21.126.
4. Respond to the submissions and advise of Council's decision.
5. Actively pursue any grant funding opportunities to assist with the delivery of the Sanctuary Point Library.

CL21.100

## Options

1. Adopt the recommendation.

Implications: This will ensure that the project progresses in line with the Council minute and the community's expectations.

2. Not adopt the recommendation.

Implications: This may see the project being delayed.

## Background

On 9 March 2021, Council at the Strategy and Assets Committee Meeting resolved that (MIN21.126):

1. *Council accept the report for information.*
2. *Council support the public exhibition of the Sanctuary Point District Library Concept Plan.*
  - a. *Where significant and adverse feedback is received, amend the design to address the issues raised as deemed necessary.*
3. *Council receive a further report at the conclusion of the public exhibition period.*
4. *Council endorse progressing to Development Application lodgement as per MIN20.33.*
5. *The construction of a new amenities block at Frances Ryan Reserve continue to be in the forefront of Council's plan.*

As per the above minute, the concept design for the Sanctuary Point District Library was placed on public exhibition from Wednesday 31 March to Friday 30 April 2021 (inclusive). The Public Exhibition Document is Attachment 1. The purpose of this report is to provide a report on the public exhibition outcomes as per part 3 of the above resolution.

## Public Exhibition

The public exhibition of the concept design for the Sanctuary Point District Library ran from Wednesday 31 March to Friday 30 April 2021 (inclusive). The public exhibition was placed on Council's Get Involved page, which included the concept designs with street views and floor plans, and video fly-through of the building and surrounding area. The concept designs were also available for viewing at the Nowra Administration Building, and at the five Shoalhaven Libraries including at Nowra, Sanctuary Point, Milton, Ulladulla, and the Mobile Library.

Council created a survey that was available on the website and hard copies available for people without internet access. A summary of traffic to the website is outlined in Attachment 2 noting there were 1,400 visits to the site. A total of thirty-four (34) submissions were received, with the majority supporting the project. A DL flyer was created informing of the public exhibition period and distributed throughout the Bay and Basin area and there was a direct mail out to all mailboxes in:

- Basin View
- Erowal Bay
- Huskisson
- Hyams beach
- Old Erowal bay
- Sanctuary Point
- St Georges Basin and
- Vincentia

The website details were shared through a number of community groups from Council's Facebook page.

During the public exhibition period, the consultant's engagement team (Danny Wiggins and Wes Hindmarch from Local Architect) with Council Staff undertook the following:

- Tuesday 13 April 2021 at the Bay and Basin Leisure Centre - one workshop was held with the External Stakeholder Group (made up of adjacent landowners, business owners / operators, Bay and Basin Community Consultative Bodies / community group representatives, and school representatives) – 9 representatives attended.
- Tuesday 20 April 2021 from 9.30am to 4.30pm on the library site at the corner of Kerry Street and Paradise Beach Road a community drop-in session was held, with copies provided of the proposed plans and video fly through. The community drop-in session was attended by over 60 people.

During the public exhibition period, a total of 37 survey submissions from 36 people (one person submitted via the website and a written submission) were submitted in the following formats:

- 34 online surveys
- 3 written submissions

A copy of the survey submission with Council Staff's feedback is provided as Attachment 3.

The consultant has developed a report in relation to the external workshop and the drop-in session held. This is included as Attachment 4.

Council will inform all participants and submitters of the outcome of this report.

## Summary of Issues

There was overwhelming support for the project and many comments enquiring about when it was going to be delivered and how excited they were to see the new library.

There was one main theme in the surveys and at the drop-in sessions:

- Carparking – concern over the potential loss or reduction in car parks / number of parking spaces.

The design of the Carparking and Strategy is included as Attachment 5. The carparking will see the addition of 40 spaces (including two disabled spaces) to address the libraries needs and a further 4 spaces in addition to the existing parking, providing a total addition of 44 spaces, this sees a nett increase of 4 car park spaces over and above those spaces required for the library. The requirements for disabled parking spaces will be addressed during the Development Application process and if more are required these will be incorporated into the plans.

The car park design also provides for the mobile library to visit the Sanctuary Point Library for pick up and drop off of books and equipment.

The other minor changes proposed to the design are as follows and detailed in Attachment 6:

- Research Room relocated to north east corner – to make way for new location of stairwell
- Stairwell relocated and shape changed – to assist with mechanical reticulation
- Breakup of the sunshade on front of building – to assist with artwork and heating
- Corridor and lift relocated
- A solid precast wall incorporated to reduce heat gain or heat loss at front of building.

**Way forward/Next Steps**

The consultants are working on the Development Application documentation and will be ready to submit to Council once this Council Report is endorsed by Council so that development consent can be obtained.

The allocated design phase budget will ensure that the Sanctuary Point Library Plans can be submitted for Development Application approval. We will then be in a position to apply for grant funding to assist with the delivery of the Library in conjunction with Councils allocated funding for development.

Council is developing an information brochure on the Library and its benefits to the community. This document will assist us to promote this project to our Federal and State Members and funding bodies to assist with any grant opportunities.

## Summary Report

31 March 2021 - 30 April 2021

# Get Involved Shoalhaven

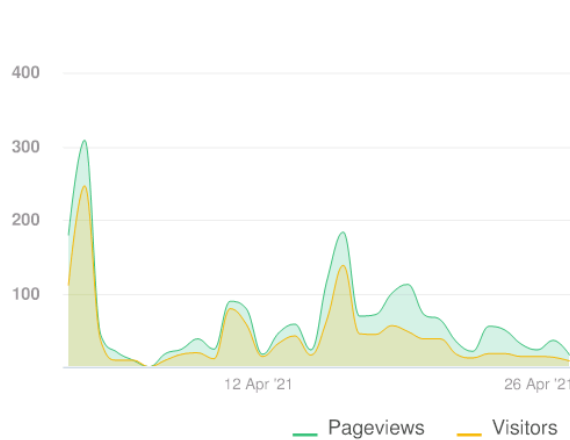
PROJECTS SELECTED: 1

Sanctuary Point Library

FULL LIST AT THE END OF THE REPORT



### Visitors Summary



### Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
1.4 k	246	
NEW REGISTRATIONS		
1		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
34	163	1.1 k

Get Involved Shoalhaven : Summary Report for 31 March 2021 to 30 April 2021

## PARTICIPANT SUMMARY

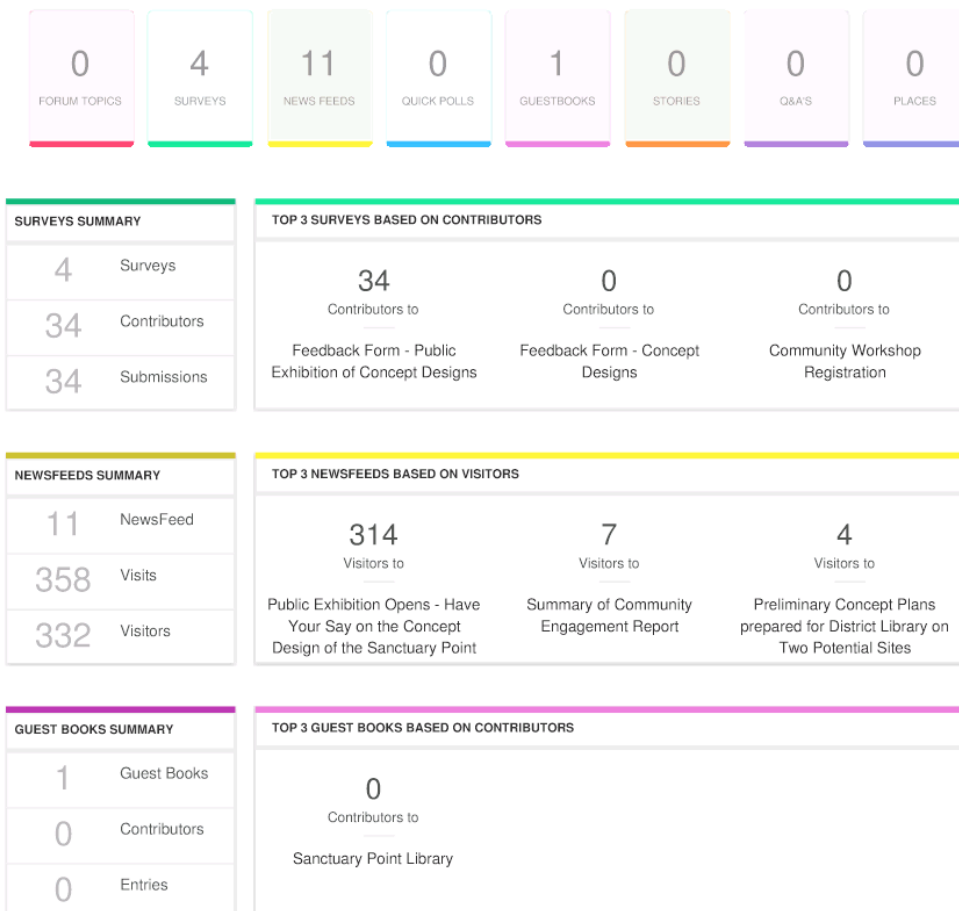
ENGAGED	34 ENGAGED PARTICIPANTS				(%)
		Registered	Unverified	Anonymous	
INFORMED	Contributed on Forums	0	0	0	Sanctuary Point Library 34 (3.0%)
	Participated in Surveys	0	0	34	
	Contributed to Newsfeeds	0	0	0	
	Participated in Quick Polls	0	0	0	
AWARE	Posted on Guestbooks	0	0	0	
	Contributed to Stories	0	0	0	
	Asked Questions	0	0	0	
	Placed Pins on Places	0	0	0	
	Contributed to Ideas	0	0	0	
	* A single engaged participant can perform multiple actions				* Calculated as a percentage of total visits to the Project

ENGAGED	163 INFORMED PARTICIPANTS				(%)
		Participants			
INFORMED	Viewed a video	0			Sanctuary Point Library 163 (14.3%)
	Viewed a photo	55			
	Downloaded a document	10			
	Visited the Key Dates page	0			
AWARE	Visited an FAQ list Page	0			
	Visited Instagram Page	0			
	Visited Multiple Project Pages	120			
	Contributed to a tool (engaged)	34			
		* A single informed participant can perform multiple actions			

ENGAGED	1,142 AWARE PARTICIPANTS				
		Participants			
INFORMED	Visited at least one Page	1,142			Sanctuary Point Library 1,142
AWARE					
	* Aware user could have also performed an Informed or Engaged Action				* Total list of unique visitors to the project

Get Involved Shoalhaven : Summary Report for 31 March 2021 to 30 April 2021

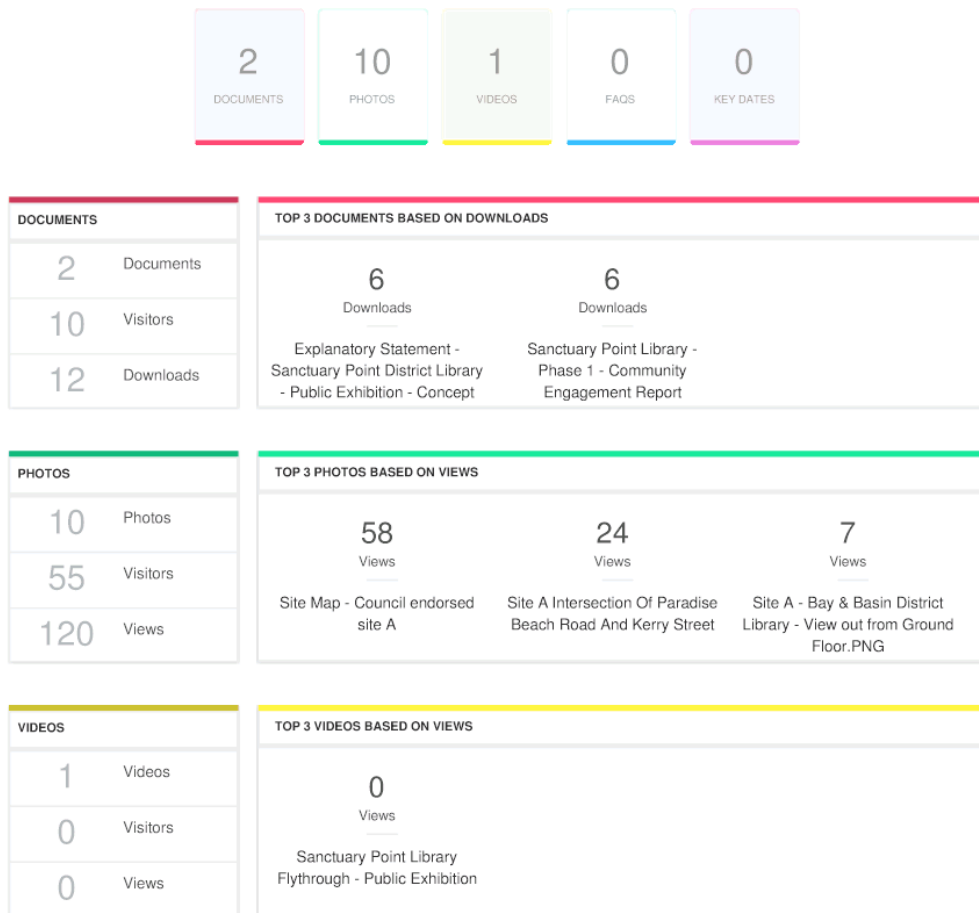
## ENGAGEMENT TOOLS SUMMARY





Get Involved Shoalhaven : Summary Report for 31 March 2021 to 30 April 2021

## INFORMATION WIDGET SUMMARY



Get Involved Shoalhaven : Summary Report for 31 March 2021 to 30 April 2021

## TRAFFIC SOURCES OVERVIEW

REFERRER URL	Visits
m.facebook.com	631
www.shoalhaven.nsw.gov.au	99
l.facebook.com	59
www.google.com	42
www.shoalhavenlibraries.com.au	20
www.google.com.au	15
www.bing.com	15
android-app	13
www.facebook.com	3
email.telstra.com	3
www.southcoastregister.com.au	2
lm.facebook.com	2
digital-print-edition.austcommunitymedia.com.au	2
business.facebook.com	1
myemail.det.nsw.edu.au	1

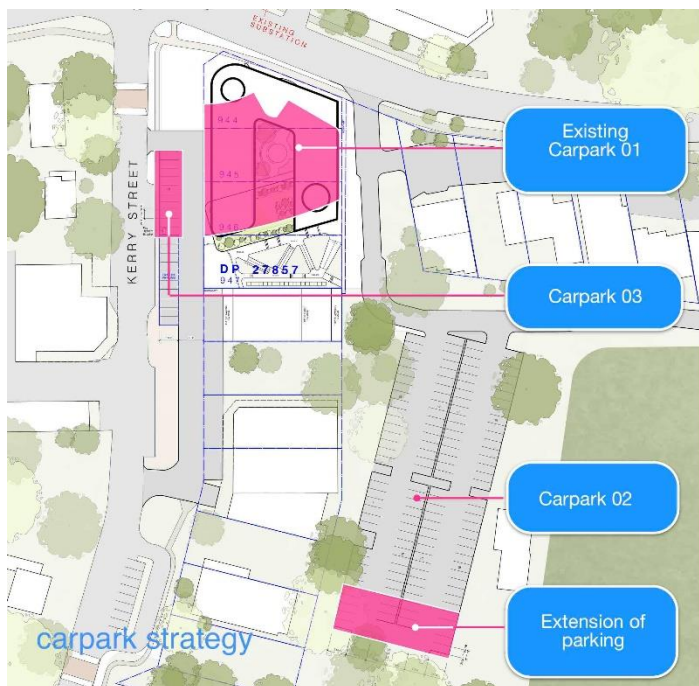
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Get Involved Shoalhaven : Summary Report for 31 March 2021 to 30 April 2021

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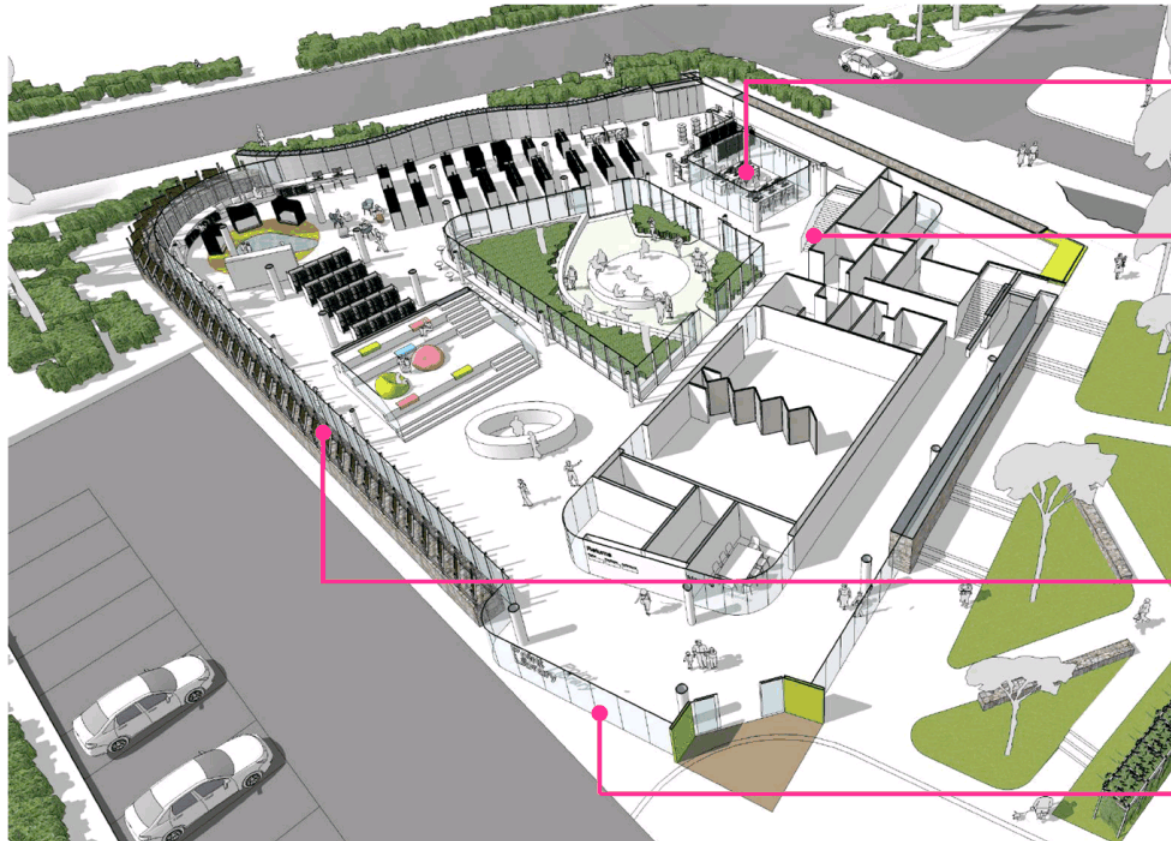
## SELECTED PROJECTS - FULL LIST

PROJECT TITLE	AWARE	INFORMED	ENGAGED
Sanctuary Point Library	1142	163	34



<b>Carpark 01</b>	
Existing parking layout	-35
<b>Carpark 02</b>	
Existing parking layout	-60
New parking layout achieved	138
<b>Carpark 03</b>	
Existing parking layout	-8
New parking layout achieved	9
Existing parking to be replaced	-103
New carparking required for library	40
<b>Total car parking required</b>	<b>143</b>
<b>Total new carparking achieved (Carparks 02 &amp; 03)</b>	<b>147</b>
<b>Surplus</b>	<b>4</b>

Design Changes Matrix



Changes:

Research Room relocated to make way for new location of Stairwell in the Community Presentation Documents & PreDA Documents

Changes:

Stairwell relocated to assist with mechanical reticulation in the Community Presentation Documents & PreDA Documents.

Changes:

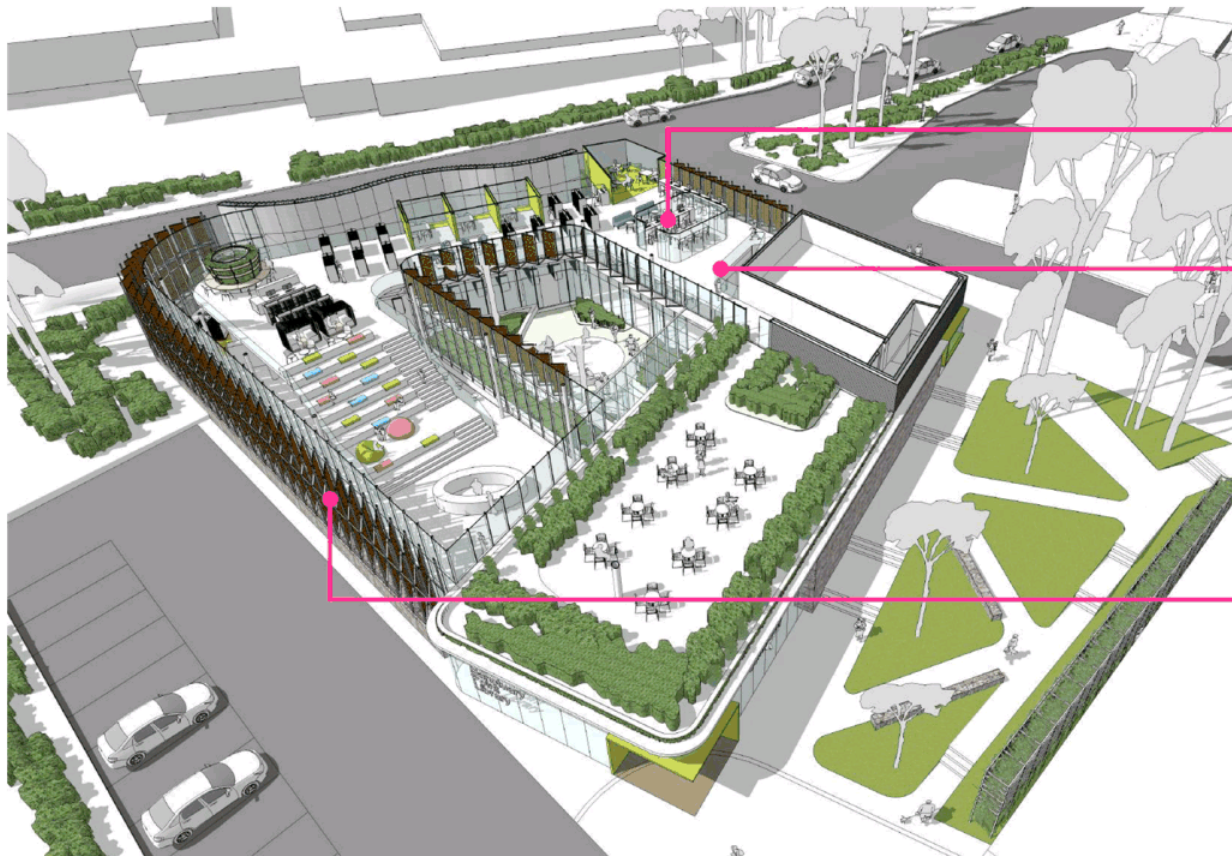
Breakup of the sunshade modified in coordination with graphics strategy for artwork in the Community Presentation Documents & PreDA Documents

Changes:

A solid precast wall incorporated to reduce heat gain in the Community Presentation Documents & PreDA Documents.

This is the Ground Floor presented to Councillor on 25th Feb 2021

Design Changes Matrix



Changes:

Research Room relocated to make way for new location of Stairwell in the Community Presentation Documents & PreDA Documents

Changes:

Stairwell relocated to assist with mechanical reticulation in the Community Presentation Documents & PreDA Documents.

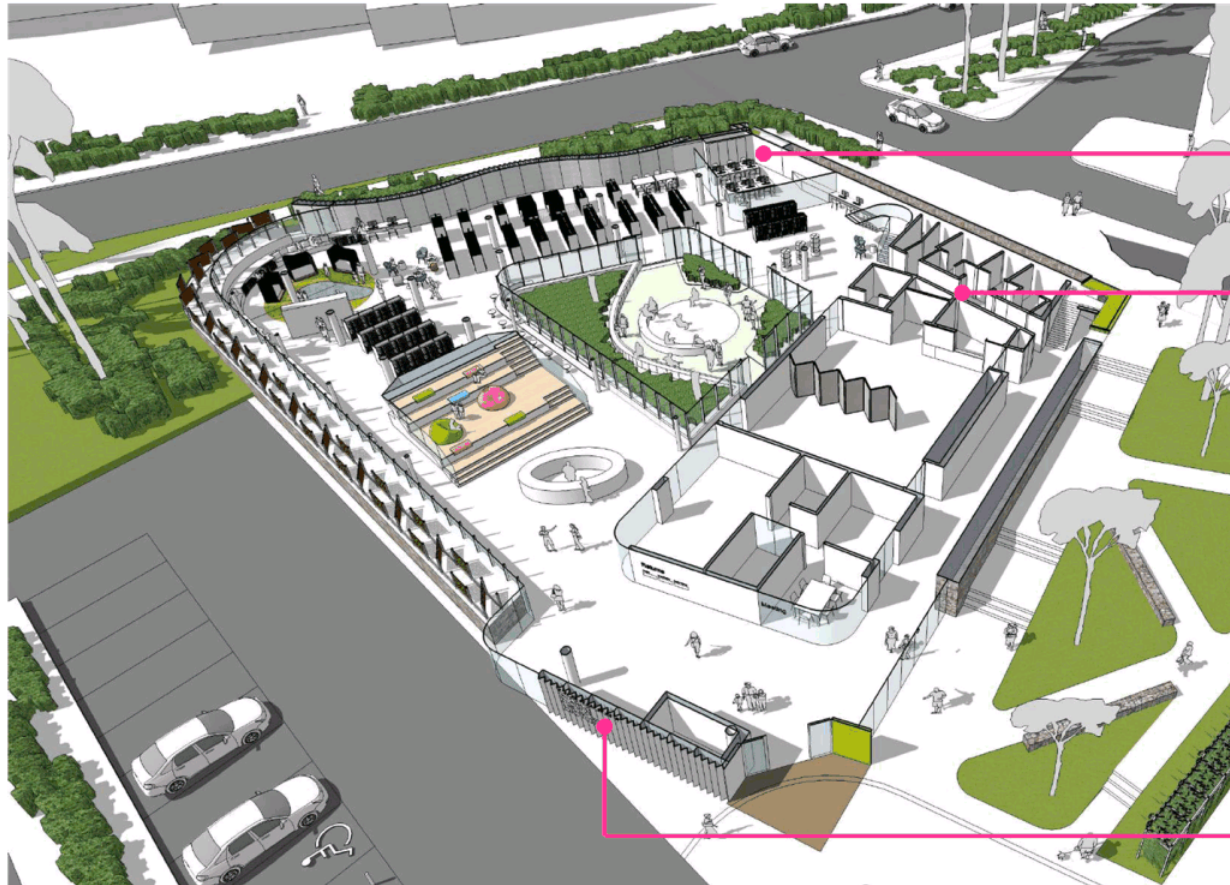
Changes:

Breakup of the sunshade modified in coordination with graphics strategy for artwork in the Community Presentation Documents & PreDA Documents

This is the Upper Floor presented to Councillor on 25th Feb 2021



Design Changes Matrix



Changes:  
Technology Room relocated to north east corner

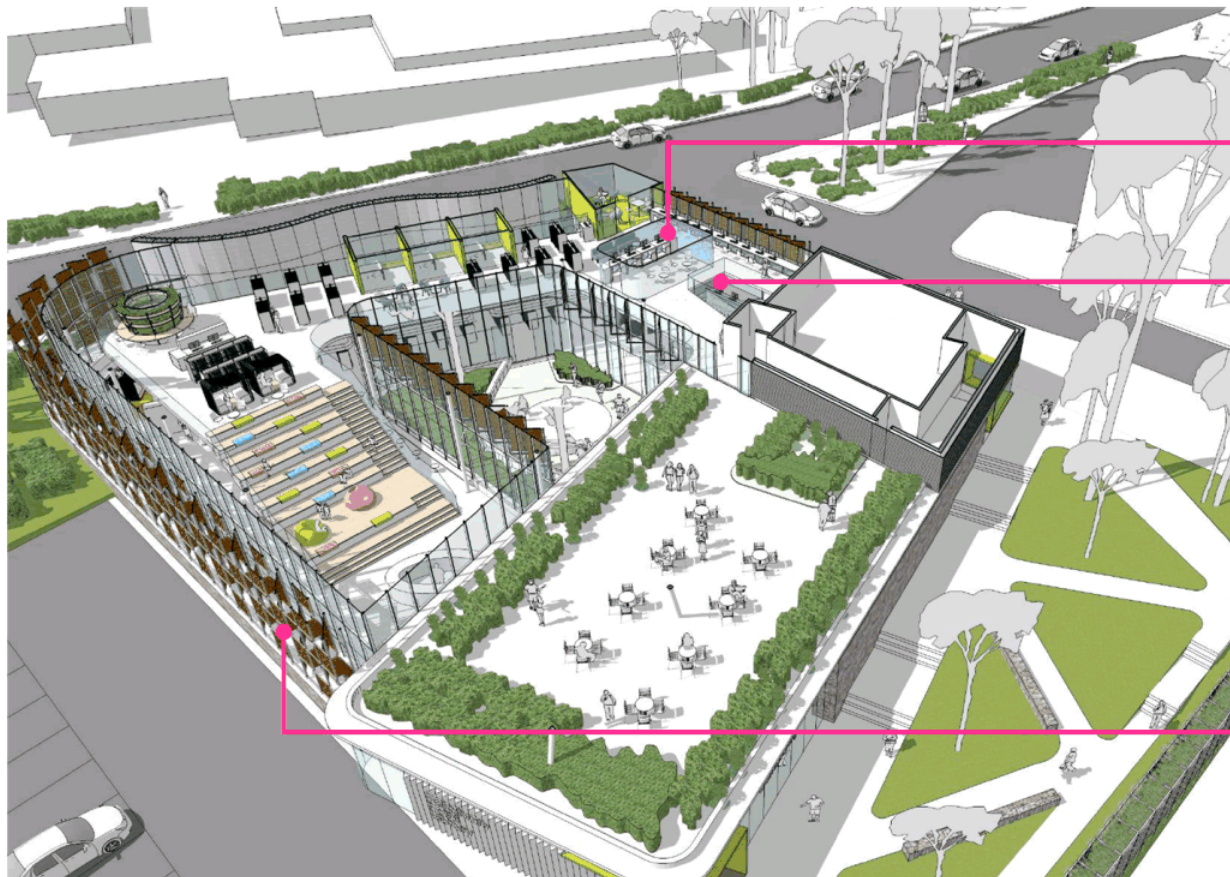
Changes:  
Corridor & lift relocated

Changes:  
A solid precast wall incorporated

This is the Ground Floor presented to Community Presentation Day on 13 & 20 April 2021 and Pre DA



Design Changes Matrix



Changes:

Research Room relocated to make way for new location of Stairwell in the Community Presentation Documents & PreDA Documents

Changes:

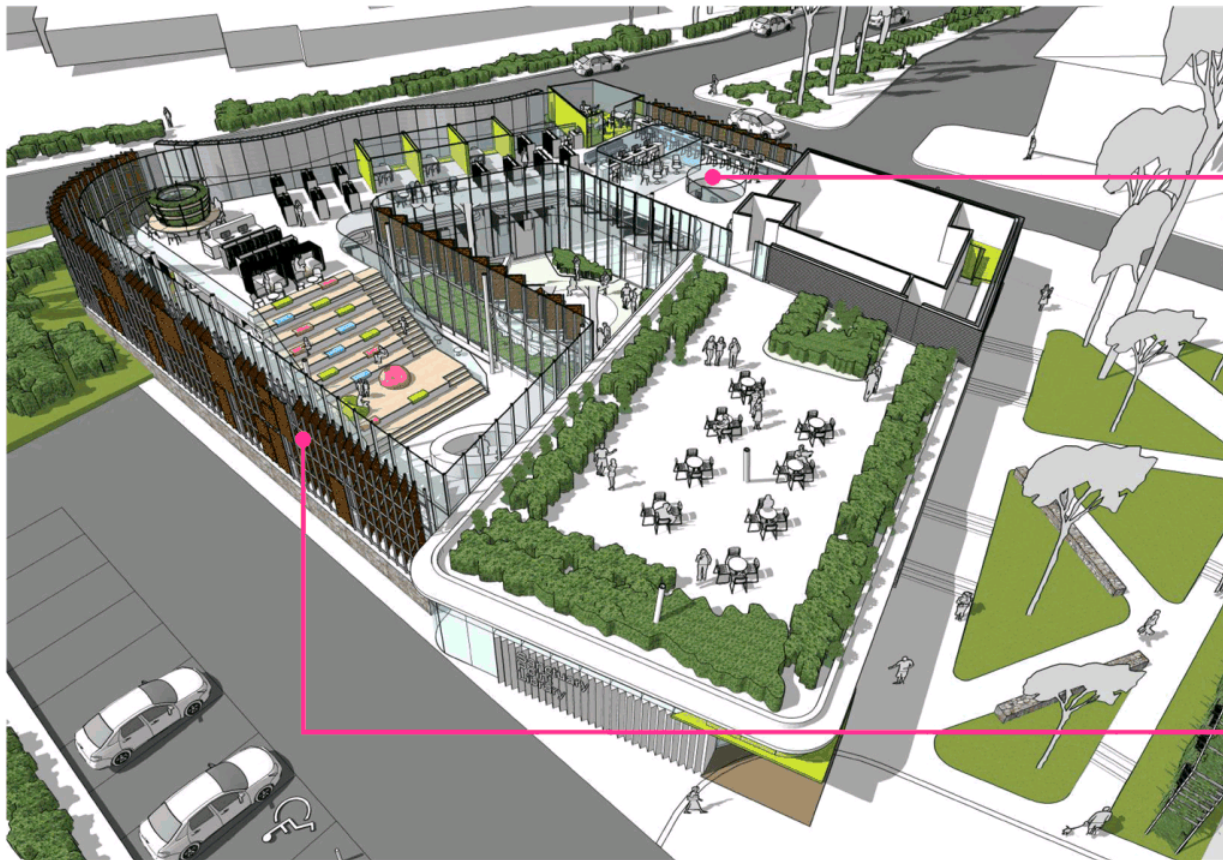
Stairwell relocated to assist with mechanical reticulation in the Community Presentation Documents & PreDA Documents.

Changes:

Breakup of the sunshade modified in coordination with graphics strategy for artwork in the Community Presentation Documents & PreDA Documents

This is the Upper Floor presented to to Community Presentation Day on 13 & 20 April 2021 and Pre DA

Design Changes Matrix



Changes:

Shape of stairwell changed to assist with mechanical reticulation in the PreDA Documents and Current Design

Changes:

Breakup of the sunshade modified in coordination with graphics strategy for artwork in the Current Design

This is the Upper Floor, West Facade Sunshade and Solid wall to Main Foyer of the Current design

Design Changes Matrix



Changes:

A solid precast wall incorporated to reduce heat gain or heat loss in the Community Presentation Documents & PreDA

Changes:

Breakup of the sunshade modified in coordination with graphics strategy for artwork in the Community Presentation Documents & PreDA Documents

This is the West Facade & Sunshade presented to Councillor on 25th Feb 2021



Design Changes Matrix



This is the West Facade & Sunshade presented to Community Presentation Days on 13 & 20 April 2021

Changes:  
A solid precast wall incorporated to reduce heat gain in the Community Presentation Documents & PreDA Documents

Changes:  
Breakup of the sunshade modified in coordination with graphics strategy for artwork in the Community Presentation Documents & PreDA Documents

Design Changes Matrix



Changes:

A solid precast wall incorporated to reduce heat gain in the Community Presentation Documents & PreDA Documents

Changes:

Breakup of the sunshade modified in coordination with graphics strategy for artwork in the Community Presentation Documents & PreDA Documents

This is the West Facade & Sunshade presented to PCG for Incorporation of Aboriginal Artwork on 6 May 2021

## CL21.101 Crown Land Plans of Management - Progress to Public Exhibition

**HPERM Ref:** D21/147190

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:**

1. Draft Generic Plan of Management, Parks (councillors information folder) [⇒](#)
2. Draft Generic Plan of Management, Sportsgrounds (councillors information folder) [⇒](#)
3. Draft Generic Plan of Management, General Community Use (councillors information folder) [⇒](#)
4. Draft Ulladulla Rotary Park Memorial, Plan of Management (councillors information folder) [⇒](#)
5. Draft Millards Historic Cottage (275 Green Street, Ulladulla) Plan of Management (councillors information folder) [⇒](#)
6. Draft Lady Denman Reserve Plan of Management (councillors information folder) [⇒](#)
7. Draft Ulladulla Cemetery (Old), Plan of Management (councillors information folder) [⇒](#)
8. Draft Nowra Showground Plan of Management (councillors information folder) [⇒](#)

CL21.101

### Reason for Report

To request Council's endorsement to proceed with the public exhibition of the Plans of Management prepared by the City Lifestyles Directorate, as required by the introduction of the new *Crown Land Management Act 2016*, subject to the consent of the Department of Planning Industry and Environment (DPIE).

If, at the end of the public exhibition period, no significant adverse feedback is received the Plans of Management are deemed adopted and are submitted to DPIE.

If, at the end of the public exhibition period, Council receives significant adverse feedback a further report will be prepared to Council for consideration prior to adoption and submission of the Plans of Management to DPIE.

### Recommendation

That Council:

1. Proceed to Public Exhibition of the Lady Denman Reserve Plan of Management.
2. Proceed to Public Exhibition of the following Plans of Management, upon receipt of Department of Planning, Industry and Environment consent:
  - a. Draft Generic General Community Use Plan of Management
  - b. Draft Generic Park Plan of Management
  - c. Draft Generic Sportsground Plan of Management
  - d. Draft Ulladulla Cemetery (Old) Plan of Management
  - e. Draft Rotary Park Ulladulla War Memorial Plan of Management
  - f. Draft Millards Cottage (275 Green Street, Ulladulla) Plan of Management

- g. Draft Nowra Showground Plan of Management
- 3. Undertake Public Exhibition of the Draft Plans of Management in accordance with the Crown Land Management Act 2016 and Local Government Act 1993 for a minimum period of 28 days, and
  - a. If no significant adverse feedback is received as part of the public exhibition, the Draft Plans of Management be finalised and deemed adopted pursuant to section 38 of The Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or
  - b. If significant adverse feedback is received as part of the public exhibition of the Draft Plans of Management, Council receive a report of the outcomes of the public exhibition period prior to adoption.
- 4. Upon adoption of the Draft Plans of Management, forward a copy of the adopted Plan of Management to the Department of Industry, Planning and Environment for record purposes.
- 5. Rescind the following Plans of Management upon adoption of the new Plans of Management in Item 2 of this resolution:
  - a. White Sands and Voyager Park Plan of Management - D11/116122
  - b. Generic Park Plan of Management – D11/116070
  - c. Generic Sportsgrounds Plan of Management – D11/116074
  - d. Generic General Community Use Plan of Management – D11/116042
  - e. Ellmoos Reserve Plan of Management – D11/116038
  - f. Greenwell Point Foreshore Plan of Management – D11/116092
  - g. Huskisson Beach Moona Moona Creek Reserves Plan of Management – D11/116105
  - h. Kings Point Foreshore Plan of Management – D12/73453
  - i. Mollymook Beach Reserve Plan of Management – D11/116116
  - j. Nowra Showground Plan of Management – D11/116118 & D11/116120
  - k. O'Hara Head Reserve Plan of Management – D11/116121
  - l. Plantation Point Plan of Management – D13/51028

## Options

1. Adopt the recommendation.

Implications: This will allow Council to fulfil its legal obligations under the *Crown Land Management Act 2016*.

2. Adopt an alternative recommendation.

Implications: Depending on the alternative recommendation, it may result in Council not meeting its legal obligations to prepare a Plan of Management for Crown Reserves where Council are Crown Land Manager under the new *Crown Land Management Act 2016*.



## Background

In 2018, the Crown Lands Act 1989 was rescinded and replaced by the new *Crown Land Management Act 2016 (CLM Act)*.

Section 3.26(6) of the CLM Act requires that Council adopt a Plan of Management (PoM) for any Crown reserve for which it is the appointed Crown land manager, and that is classified as 'Community Land' under the Local Government Act 1993.

The deadline set for the submission of the PoMs under Crown Land Management Act 2016 is 30 June 2021.

The March 2021 Crown Reserve Managers Newsletter included information and an update on NSW councils' progress in completing the PoMs:

- 13% of councils have not categorised their Crown Reserves (Shoalhaven City Council have completed this step) and,
- 74% of councils have yet to submit a draft PoM (Shoalhaven City Council are at this stage).

This indicates that Shoalhaven Council is in a similar position to the majority of other councils throughout NSW. Council has dedicated resources – both internal staff and external consultants – to this project over the past two years. The scope of work to achieve this is considerable.

Council was required to submit 'Initial Categorisation' prior to developing a Draft Plan of Management. Council submitted Initial Categorisations in July 2019. In November 2019, the guidelines surrounding how Initial Categorisations were made changed, allowing Council to apply multiple categories to reserves with a single reserve purpose.

This change required Council to withdraw and resubmit the Initial Categorisations. Due to the requirement to apply multiple categories on a single reserve, Council was required to produce maps showing the splitting of categories. The Initial Categorisations were resubmitted in May 2020. On 1 September 2020 Council was notified by the DPIE of the approval of the Initial Categorisations.

The Generic Park, Sportsground, General Community Use, and the Ulladulla Site Specific Plans of Management had been drafted and were at an advanced stage in late 2020, despite the delays incurred through the Initial Categorisation process. Once confirmation had been received from the DPIE on the categorisation of land in September 2020 the Generic Plans of Management began to be finalised, with the new draft PoMs substantially prepared using the DPIE template and required format.

In February 2021, three new templates were released by the DPIE. These templates requested significantly more detail on the information to be provided. This resulted in the need to undertake a review and re-write the draft PoMs to date, to ensure they aligned with the new requirements and further information included and entered the new template. This re-write process has increased the time required to prepare the draft PoMs.

Throughout this process, despite changes in the requirements sought by the DPIE there have been no changes to the timeline set under legislation to adopt the new draft PoMs. Another process that has to be factored into the timeline for preparation of a draft PoM is the requirement to receive Native Title Manager advice.

In the March 2021 Crown Reserve Managers Newsletter, administered by DPIE, it was expressed that an extension to the deadline for PoM submission under the Crown Land Management Act 2016 was being sought. This was based on the feedback from NSW councils and considered factors such as COVID, natural disasters and bushfires. It was advised that an update on this would likely be received in April 2021, however Council is yet to receive an update on a possible extension.

Shoalhaven City Council (along with other NSW councils) considered it reasonable to make representations to the Crown Land Commissioner expressing support for the extension of this deadline from 30 June 2021 to the end of the calendar year – 31 December 2021. The amendment to the legislation has been drafted but not disclosed.

Given these circumstances, Council staff have continued to work towards the legislated timeline despite the changes made to the process.

To date Lady Denman Reserve draft PoM has been submitted to the DPIE for consent. The time from submission to receipt of consent from the DPIE took four months. There is no set timeframe for feedback to be received from the DPIE. However, it should be noted that the DPIE consent is required before a PoM can be placed on public exhibition.

The Crown Land Management Act 2016 requires that the new Plans of Management be in place for Council Managed Crown Land by 30 June 2021. Where a council is unable to submit the PoMs in accordance with the current timeframe set under the legislation will result in the need to undertake Public Hearings for every Plan of Management that covers a Council Managed Crown Reserve. A consequence of this is an inability to issue new leases and licences over Council Managed Crown Reserves with the exception of those short term or casual leases and licences outlined in below as per the Local Government (General) Regulation 2005 (Section 116) until a PoM is adopted by Council. It is anticipated that the consequences of this will be minimal for Council.

*(1) For the purposes of section 46(1)(b)(iii) of the Act, the use or occupation of community land for the following events is prescribed as a purpose in respect of which a Council may grant a licence in respect of community land on a short-term, casual basis—*

- (a) the playing of a musical instrument, or singing, for fee or reward,*
- (b) engaging in a trade or business,*
- (c) the playing of a lawful game or sport,*
- (d) the delivery of a public address,*
- (e) commercial photographic sessions,*
- (f) picnics and private celebrations such as weddings and family gatherings,*
- (g) filming sessions,*
- (h) the agistment of stock.*

## Process

The legislation requires that the preparation of Plans of Management be undertaken in the following manner:

Step 1	<b>Drafting the Plan of Management</b> <ul style="list-style-type: none"> <li>The PoM should meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land.</li> <li>Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised.</li> <li>Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.</li> </ul>
Step 2	<b>Notifying the landowner</b> <ul style="list-style-type: none"> <li>The department as the landowner is to be notified of the draft PoM prior to public exhibition of the plan under section 39 of the Local Government Act 1993</li> </ul>

	<ul style="list-style-type: none"> <li>Councils are required to seek the department's consent to alter the categorisations in the draft PoM. The departments consent can be sought at the same time as notifying the landowner in the draft plan.</li> </ul>
Step 3	<b>Community consultation</b> <ul style="list-style-type: none"> <li>Councils are required to publicly exhibit the PoM under section 38 of the Local Government Act 1993</li> <li>Where Council's first PoM alters the initial categorisation, or where Council prepares a subsequent PoM that amends the previous plan, public hearings are required.</li> </ul>
Step 4	<b>Adopting a Plan of Management</b> <ul style="list-style-type: none"> <li>Council resolution of a PoM that covers Crown Land should note that the PoM is adopted pursuant to section 40 of the Local Government Act in accordance with section 3.23(6) of the CLM Act.</li> <li>Once Council has adopted the PoM, a copy of the adopted PoM should be forwarded to the department for record purposes.</li> </ul>

Council has the option of preparing Generic or Site-Specific Plans of Management. Council's City Lifestyles Directorate have prepared the following Generic and Site-Specific Plans of Management.

### Generic Plans of Management

Generic Plans of Management have been prepared for Crown Reserves that have been categorised Park, Sportsground and General Community Use. A Generic Plan of Management for Crown Reserves that are categorised Natural Areas is being undertaken by the City Development Directorate and will be reported separately to Council.

Whilst the new legislation only applies to Crown Land, the Plans prepared continue to apply to land that is Council owned Community Land that is categorised Park, Sportsground and General Community Use accordingly, with the exception of Reserves that are covered by Site-Specific Plans of Management. Draft PoMs are proved to Councillors via the Councillor Information Folder. It should be noted that these are not public documents until they have received consent from DPIE to go on public exhibition. This consent is awaited.

All of these generic PoMs have been prepared and at time of writing are with the Native Title Manager for advice. Subject to advice from this review these are ready to be submitted to the DPIE and subject to consent of the DPIE the PoMs can be placed on public exhibition.

The Draft Generic Plan of Management for Parks covers 36 Crown reserves and 532 Council reserves. Preliminary consultation was undertaken from October to November 2020. During this time, a total of 19 survey responses were received in relation to the values, current uses, and future direction of Parks. The responses are reflected in the Draft General Plan of Management for Parks. The Draft Generic Plan of Management for Parks is provided at **Attachment 1**.

The Draft Generic Plan of Management for Sportsgrounds covers 10 Crown reserves and 133 Council reserves. Preliminary consultation was undertaken from October to November 2020. During this time, a total of eight survey responses were received in relation to the values, current uses, and future direction of Sportsgrounds. The responses are reflected in the Draft General Plan of Management for Sportsgrounds. The Draft Generic Plan of Management for Sportsgrounds is provided at **Attachment 2**.

The Draft Generic Plan of Management for General Community Use covers 35 Crown reserves and 275 Council reserves. Preliminary consultation was undertaken from October to November 2020. During this time, a total of 32 survey responses were received in relation to the values, current uses, and future direction of General Community Use Reserves. The responses are reflected in the Draft General Plan of Management for General Community Use. The Draft Generic Plan of Management for General Community Use is provided at **Attachment 3**.

### **Site-Specific Plans of Management**

Site Specific Plans of Management have been prepared for a number of Crown Reserves including:

- Ulladulla War Memorial, Lions Park
- Millards Historic Cottage - 275 Green Street, Ulladulla
- Lady Denman Reserve
- Ulladulla Cemetery (Old)
- Nowra Showground

### Ulladulla Rotary Park War Memorial

The site-specific Plan of Management has been prepared for part of the reserve due to the Reserve being categorised an Area of Cultural Significance, which is required by the Crown Land Guidelines due to the Reserve Purpose of War Memorial. The Plan of Management has been prepared by Council staff.



*Figure 1 Splitting of Categories for R75456*

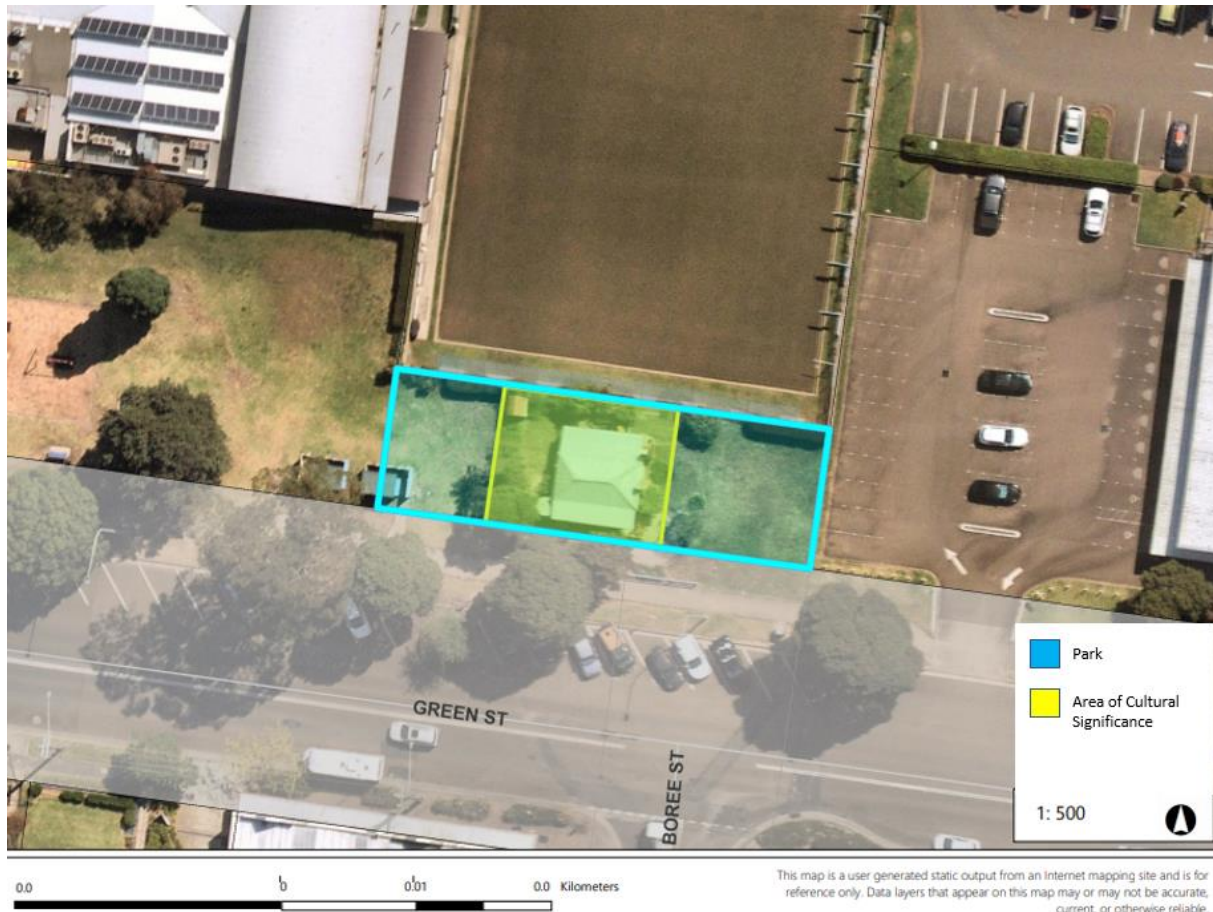
Preliminary consultation was conducted from 21 October to 23 November 2020. This consisted of an online survey with notification sent to community groups and adjacent residents. The Draft Plan of Management is provided at **Attachment 4**.

CL21.101



Millards Historic Cottage (275 Green Street Ulladulla)

The site-specific Plan of Management has been prepared for part of the reserve due to the Reserve being categorised an Area of Cultural Significance, which is required by the Crown Land Guidelines due to the Reserve Purpose of Heritage Purposes. The Plan of Management has been prepared by Council staff.



*Figure 2 Splitting of Categories for R700023*

Preliminary consultation was conducted from 21 October to 23 November 2020. This consisted of an online survey with notification sent to community groups and adjacent residents. The Draft Plan of Management is provided at **Attachment 5**.

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### Lady Denman Reserve

The site-specific Plan of Management has been prepared due to the variety of leases/licences over the reserve and the unique user group arrangements over the Reserve. The Plan of Management has been prepared by a consultant engaged by Council. In preparing this PoM, consultation was undertaken with the Jervis Bay Maritime Museum / Lady Denman Heritage Complex Inc. This PoM has the consent of DPIE and can progress to public exhibition as per the recommendation.



*Figure 3 Land Included in the Lady Denman Reserve Plan of Management*

The Draft Plan of Management is provided at **Attachment 6**.

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### Ulladulla Cemetery (Old)

The site-specific Plan of Management has been prepared due to the Reserve being categorised as an Area of Cultural Significance, which is required by the Crown Land Guidelines due to the Reserve Purpose of Preservation of Graves. The Plan of Management has been prepared by Council staff.



*Figure 4 Land Included in the Ulladulla Cemetery (Old) Plan of Management*

Preliminary consultation was conducted from 21 October to 23 November 2020. This consisted of an Online survey with notification sent to community groups and adjacent residents. The Draft Plan of Management is provided at **Attachment 7**.

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### Nowra Showground Plan of Management

This Plan of Management has been prepared due to the various uses of the land and as an update the previous Nowra Showground Plan of Management. The Plan of Management has been prepared by Council staff, who are also in the process of preparing a Masterplan for the site that will follow the Plan of Management. The Masterplan for the site, in line with the PoM, which will guide future use and investment at the Showground.



*Figure 5 Land Included in the Nowra Showground Plan of Management*

The Draft Plan of Management is provided at **Attachment 8**.

All of these site specific PoMs have been prepared and are with the Native Title Manager for advice. Subject to advice from this review these are ready to be submitted to the DPIE. Subject to consent of the DPIE the PoMs are able to be placed on public exhibition.

### **Next Steps**

The Lady Denman Reserve PoM has been referred to the DPIE and received consent. Pending the outcome of this report, this PoM is able to proceed to public exhibition. The other draft PoMs referred to in this report are – at time of writing - with the Native Title Manager for advice. Once this step is concluded they are to be referred to the DPIE.

Upon receipt of DPIE Consent Council is then able to place the documents on Public Exhibition under section 38 of the Local Government Act 1993, the Public Exhibition period will include a 28-day exhibition with a time of 42 days from the start of the exhibition period for submissions to be made.

Works are currently being undertaken on PoMs for:

CL21.101



- Kangaroo Valley Showground – this is being prepared by staff and is at the community consultation phase which is being facilitated by a consultant.
- Berry Showground and Master Plan – this is being prepared by a consultant and Council are awaiting receipt of a draft. The community consultation process has been concluded.
- Milton Showground – this is being prepared by staff and is at the community consultation phase which is being facilitated by a consultant.

Dependent on the progress of the Native Title Manager advice (pending), submission to and consent from DPIE, Council may be required to follow the Public Hearing process unless the Department reviews and issues a revised timeline.

### Policy Implications

The new Plans of Management that have been prepared will supersede any existing Plans of Management. These existing Plans of Management will need to be rescinded by Council. This specifically refers to the following:

- White Sands and Voyager Park Plan of Management
- Generic Park
- Generic Sportsgrounds
- General Community Use
- Ellmoos Reserve Plan of Management
- Greenwell Point Foreshore Plan of Management
- Huskisson Beach Moona Moona Creek Reserves
- Kings Point Foreshore Plan of Management
- Mollymook Beach Reserve Plan of Management
- Nowra Showground Plan of Management
- O'Hara Head Reserve Plan of Management
- Plantation Point Plan of Management

Where PoMs for specific sites identified above are being rescinded and replaced by a Generic PoM of a relevant category, it is recommended that future direction / development of these sites is to be managed using the master planning process as a more suitable approach were appropriate. Masterplans will still be required to be consistent with the relevant PoM, and any works must not result in any material harm to the reserve purpose of the Crown reserve.

Many of the current Plans of Management included Masterplan or Landscape Plan elements, this may be adapted into standalone Masterplans without being tied to the legislative requirements of a Plan of Management. However, there is likely to be a financial implication if new Masterplans are to be created for the above sites.

A further report will be prepared to council once the PoMs for Berry, Kangaroo Valley and Milton Showgrounds are completed.

### Financial Implications

Crown Lands allocated \$78,444 through the Council Crown Land Management - Plans of Management Funding Support Program, some of which were used to engage consultants to undertake various works required in the preparation of the Plans of Management.

Additional internal staff resourcing and budgets from the Community Planning and Projects team have also been used in the PoM review process in the City Lifestyles Directorate.

The costs associated with the public hearing for Berry Showgrounds PoM is included in the fee proposal from the engaged consultant undertaking the work.

The Community Planning and Projects budget will fund any public hearings (should the need arise) for Milton and Kangaroo Valley Showgrounds.

### **Risk Implications**

Currently The Crown Land Management Act 2016 requires that the new Plans of Management be in place for Council Managed Crown Land by 30 June 2021.

Delay in obtaining DPIE consent and proceeding to public exhibition, is likely to result in inability to meet the current timeline. This will result in the need to undertake public hearings for every Plan of Management that covers a Council Managed Crown Reserve, and inability to issue new leases and licences over Council Managed Crown Reserves with the exception of those short term or casual leases and licences outlined in below as per the Local Government (General) Regulation 2005 (Section 116).

(1) *For the purposes of section 46(1)(b)(iii) of the Act, the use or occupation of community land for the following events is prescribed as a purpose in respect of which a Council may grant a licence in respect of community land on a short-term, casual basis—*

- (a) the playing of a musical instrument, or singing, for fee or reward,*
- (b) engaging in a trade or business,*
- (c) the playing of a lawful game or sport,*
- (d) the delivery of a public address,*
- (e) commercial photographic sessions,*
- (f) picnics and private celebrations such as weddings and family gatherings,*
- (g) filming sessions,*
- (h) the agistment of stock.*

Should the timeline for submission not be revised and extended Council will have to engage a consultant to undertake a public hearing for any PoMs that are not adopted.

## CL21.102 Proposed Extension of Council Services to Jervis Bay Territory

**HPERM Ref:** D21/205348

**Approver:** Stephen Dunshea, Chief Executive Officer

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to time constraints in relation to the proposed commencement of the subject works from 1 July 2021.

The reason for the Report is to inform Council of progress in relation to the extension of an existing Services Agreement that Council has with Jervis Bay Territory (JBT). The Department of Infrastructure, Transport, Regional Development and Communications have requested that the Resolution of Council remains confidential until (if) the Contract Documents are signed by the appropriate Officers from both Parties.

### Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. As recommended.

Implications: That the confidential report will be considered.

2. Propose an alternative process for consideration of the issue.

Implications: This is not recommended due to time constraints in relation to the proposed commencement of the subject works from 1 July 2021.

### Background

For a number of years Shoalhaven City Council has provided various Services to the Commonwealth (Jervis Bay Territory) through the “Jervis Bay Services Agreement”. Each of the Services provided are outlined in the Schedules and Attachments to that Agreement. The existing Services include:

- Telemetry and Chlorine Gas Maintenance
- Refuse Collection and Disposal
- Domestic Animal Control
- Library Services
- Playground Inspections, and
- Gardens and Municipal Works

The Jervis Bay Territory (JBT) communities include Wreck Bay Aboriginal Community, HMAS Cresswell, Booderee National Park, Jervis Bay Village and JBT Administration.

Negotiations to extend the existing services provided by Council have been ongoing for approximately 8 months and have been detailed in the separate confidential report for Council’s consideration.

## CL21.103 Ozwater Conference 2021

**HPERM Ref:** D21/192774

**Submitted by:** Clr John Wells  
Clr John Levett

**Attachments:** 1. Ozwater Conference Report [↓](#)

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to due to the request of the authors.

To provide a report (Attachment 1) from Clr John Wells and Clr John Levett on the Ozwater Conference held in Adelaide 4-6 May 2021 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council receive the report from Clr John Wells and Clr John Levett on the Ozwater Conference 2021 for information.

### Options

1. Receive the report for information
2. Request further information on the conference

## OZWATER 2021-4-6 May

An emotional outgoing Presidential address by Carmel Krogh declared OZWATER 2021 to be the best Australian Water Association Conference ever held, and so it proved to be. Some 1800 attendees including 150 trade exhibitors and over 200 presentation occupying an expanded Adelaide Convention Centre, OZWATER 2021 was too large for a single delegate to absorb the content of sessions from eight focussed subject streams.

## PLENARIES

The list of Plenary session speakers was inspiring and broad ranging and provocative. Opening speaker 16 year old Gitanjali Rao is Americas 'Kid of the year'. Recognised as Americas top young scientist she has invented Tethys, an early lead detection tool, and Epione – a device for early diagnosis of prescription opioid addiction. Articulate and dynamic she manifested a clear commitment to open systems, collaborative & lateral thinking.

Michael Fox is the CEO of Fable Food Co. His mission is to close down the worlds livestock and meat industry which he described as follows -"Global meat production is a Health, Environmental and Ethical disaster" His motto = "Go vegan or we die". He asserts that the global meat market contributes 14.5 per cent of global greenhouse gas emissions with 35 per cent of habitable land mass being used to farm meat. His life is dedicated to developing meat substitutes- primarily from mushrooms- and disrupting the global meat industry.

Simon Griffiths is CEO and founder of the company 'Who gives a Crap'. Bound for a highflying corporate career, Simon's destiny was influenced by his observations during a period of world travel where he noticed widespread lack of sanitation in developing countries. He estimates that one third of the planet – 2.5 billion people urinate and defecate directly into the environment. This is not good for human or environmental health. He therefore established 'who gives a crap' a mail order toilet role distribution company driven by social media marketing and whose profits are donated to the World Health Organisation and other channels to construct ablution facilities and sewer schemes across the globe. Donations to date exceed \$8.5 million dollars.

The most inspirational address was delivered by Tim Jarvis AM, environmental scientist and explorer. He recounted his replication of Ernest Shackleton's 1907 cross Antarctica expedition, using the same clothing and equipment as used by Shackleton. The expedition was a disaster as the expeditions ship was crushed in pack ice, stranding his crew on the ice flow. The situation was retrieved only by Shackleton's heroic and stoic 4000 mile voyage in an open, keel-less lifeboat from Elephant island to mountainous Georgia with 5 companions to raise the alarm and travel back to Antarctica to save the rest of his crew. Not a life was lost. Sir Edmund Hilary described Shackleton's feat as 'the greatest triumph of human endurance in history'. Jarvis compared his and Shackleton's trials to those confronting the water industry in that determination and fortitude would be required moving forward to face the challenges of water scarcity, allocation, distribution and re-use.

Professor Veena Sahajwalla Director of UNSW's Sustainable Materials Research Unit is no stranger to Council- she is part of the team that has collaborated with our Waste



Management team in developing fabric infused recycled glass tiles. She is an advocate for developing micro-factories at the end of the waste stream to extract the maximum amount of recoverable material. Post presentation, Veena was very excited by Councils MRF and Bioelektra developments. She is a good person to maintain contact within our Waste future

South Australian of the year Tania Hosch spoke of the need to acknowledge indigenous stakeholders in the water industry and of indigenous people's connection with water, as well as the land. She advocates for indigenous inclusion in policy, advocacy ,governance and delivery in the water industry.

PRESENTATIONS- selected summaries

2

One 'stream' of sessions dealt with issues arising from extreme events, recovery and future planning. Two of the case studies related to the Warragamba and Nepean systems which, of course the Shoalhaven system is connected to. The sessions noted that prior to the black summer bushfires the Warragamba Dam water level was sitting at 42 percent capacity (Feb 2020) with the Dam level 19.3 metres below Dam height. Two weeks later flood rains filled the Dam resulting in large quantities of high intensity burned ash and medium intensity burned ash being washed into the waterway. This resulted in high turbidity, colour change and aluminium levels rising 11 times higher than normal, iron levels increasing 47 times higher than normal and manganese being 10 times higher. Elevated levels of phosphorus and ammonia also elevated the risk of algal growth.

In response to these challenges a multi stage process was applied to ensure continuity of acceptable quality potable water, being-

- 1) Coagulation/flocculation with some addition of chlorine
- 2) Addition of powdered activated carbon which reduces colour and organics in water
- 3) Potassium permanganate to aid the settling process
- 4) Filtration

The Nepean Dam experienced similar problems to Warragamba however on a much smaller scale.

Built in 1976 to treat 36 mgl per day Nepean Dam's water treatment plant was upgraded in 2019 but at the same time was derated to 19 mgl per day. Growth in SW Sydney has prompted the need for a further upgrade, but what to design for in a catchment that is influenced by even small wet weather events , but whose supply is 'guaranteed by access to Shoalhaven sourced water. Ultimately his design was based around delivering 33 mgl per day, meeting potable water standards, capacity to deal with algal problems and making water available down to 25 percent Dam capacity

What the presentations around bushfire impacts demonstrated is how fortunate the Shoalhaven was during the black summer bushfires as our Bamarang Dam was independent of the natural streams and rivers which were impacted by the fires- yes ash & contaminants

polluted Tallowa and Danjera dams to some extent but to have a 3 month uncontaminated supply at Bamerang enabled our primary sources to get flushed out before we again had to draw on them.

In the Queensland township of Beaudesert continuity of water supply has been a real problem in extreme rainfall events as its water treatment shuts down after turbidity and ammonia increases from pollution sources in the floodplain. Taking its feedstock from the Logan River catchment, the floodplain is home to many industries including poultry, a meatworks and dairying. After sustained rain events in 2016, water monitoring showed elevated levels of ammonia to the point where chlorination was ineffective. Water supply was cut off and Beaudesert was thereafter supplied water by tankers. This caused a whole of catchment reassessment to reach out to industries to better manage industrial and stormwater run-off. Concurrently, Hunter Water was engaged to design a filtration system to address the problem- the waste treatment plant chosen uses granulated activated carbon filtration with filters being renewed every 50 days.

And of course there was a session on using recycled water for drinking purposes. Current research indicates 38 percent would drink recycled water. whilst 63 percent think it would be better used for other purposes. Eighteen percent think enough is already being done with recycled water. The session concluded that the issue needed to be kept on the table, more work should be done developing & trialling plant, and a target set for use of recycled water for drinking at a future time- say 25 percent for Sydney by mid-century.

Queensland was taking this issue very seriously when its main Dam, Wivenhoe's capacity fell to 16 percent in the last major drought. The response? Build a desal plant and a treated effluent recycled water pipeline scheme to take treat water back to the dam. Then it rained, water became a non issue & parts of the scheme slid off the agenda

A number of sessions were held around customer relations and in particular the relationship between quality of service and preparedness to pay. Research , particularly by TasWater, indicates that many customers are prepared to pay more for higher liveability and environmental outcomes. However, research also showed that whilst some customers indicated they'd be prepared to pay more for a service but when confronted with the bill showed a change of heart

Customer engagement was the central theme around the development of Cedar Grove wastewater treatment plant , where the effluent being treated was being pumped 20 kilometres from Logan City to and idyllic environment in the countryside, This case study was an epitaph to the problems Councils can face without stakeholder engagement until after a project has commenced. Logan Council stumbled through a long period of heartburn over this issue.

Another stream of interest was that of Achieving a Circular Economy. Three sessions were of particular interest. Firstly, Biochar production. Most effluent management systems treat effluent to the point where, after all the water has been removed a sludge or dry biomass remains. In Shoalhaven's case, as in many cases this residual waste is spread across agricultural lands, providing some level of enrichment. That's great for now. Some hold the

view that as the sludge has the potential to contain Pfas, metals and carbon leaching properties that at some point in the future environmental agencies may not want biomass spread on agricultural lands. This is where biosolids gasification comes in. The biomass is burned, generating energy for potential generating capacity. Moreover, the end product, biochar is reduced in volume by 90 percent, has 90 to 100 percent of any Pfas content destroyed. Moreover, the residual granulated product binds, or 'locks-in' carbon and has drainage properties that can enhance soils.

Secondly, some very interesting research is underway in Perth to recover struvite from wastewater treatment plant and Desal plant pipelines. Struvite is a salt comprised of magnesium, phosphorous and nitrogen which accumulates inside pipelines seriously reducing their flow capacity. Chemically, struvite is a nitrogenous/phosphoric fertiliser which is currently selling for around \$400 per tonne. The research involves delaminating the struvite from the pipes by adding aluminium chloride which cause the struvite to precipitate. If applied to the whole Perth Sewer/Desal schemes it is estimated 1300 tonnes of struvite could be recovered for agricultural use- worth about \$650,00 pa. Not viable yet but one for the future (not to mention the higher efficiency of the pipe systems)

Finally, exciting work is underway in West Melbourne where reactive soils have caused serious problems of slumping and pipe distortion in backfilled sewer trenches. To address these problems a research exercise was undertaken to develop a product that will overcome problems of compaction in deep trenches and that will be self compacting, minimising post construction settlement. The researchers turned to the Waste industry for product in pursuit of low or no cost and beneficial re-use of waste. The products identified for the back-fill mix were crushed glass, hard plastics and large particle tyre rubber. Various blends underwent particle size testing, compaction testing segregation testing specific gravity analysis and assessment of fines migration. Four 'blends' were developed and, when applied are dropped from above the trench as a slurry. The product can be mixed at any batching plant. The test results showed the product exceeds industry compaction levels. The developers are hoping to proceed to manufacture a saleable product.

#### EXHIBITION HALL

Finally this report would not be complete without some mention of the Exhibitor Hall which was huge and represented just about every facet of the water and wastewater industry. It also served as a meeting place and food servery – the food was very good. Of interest was the presence of one Council as an Exhibitor - Townsville City Council. It's stand was staffed by an Engineer and a HR specialist. When questioned about the purpose of the stand, they advised they were using OZWATER as a recruitment opportunity as they were having problems attracting staff to the region, Interesting

John Wells

John Levett

## CL21.104 Waste 2021

**HPERM Ref:** D21/200451

**Submitted by:** Cllr Patricia White

**Attachments:** 1. Conference Report - Coffs Harbour Waste Conference 2021 (under separate cover) [⇒](#)

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the request of the author.

To provide a report (Attachment 1) from Cllr Patricia White on the Waste 2021 Conference held in Coffs Harbour, NSW in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council receive the report from Cllr Patricia White on the Waste 2021 Conference for information.

### Options

1. Receive the report for information
2. Request further information on the conference

## CL21.105 South East Australian Transport Strategy (SEATS) Meeting

**HPERM Ref:** D21/200997

**Submitted by:** Clr Patricia White

**Attachments:** 1. Conference Report [↓](#)

### Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the request of the author..

To provide a report (Attachment 1) from Clr Patricia White on the SEATS Meeting held in Goulburn, NSW 14-15 May 2021 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council:

1. Receive the report from Clr Patricia White on the South East Australian Transport Strategy (SEATS) Meeting held in Goulburn NSW, 14-16 May 2021, for information.
2. Endorses working with the SEATS working group on the establishment of a pilot trial for virtual fencing within the Shoalhaven region as recommended in Clr White's report.

### Options

1. Receive the report for information
2. Request further information on the conference

CL21.105

**Report SEATS Meeting 14<sup>th</sup> & 15<sup>th</sup> May 2021****Hosted – Goulburn Council****Submitted: Cllr Patricia White****Reason for Report**

Shoalhaven City Council is a member of South East Australian Transport Strategy which meets four times a year. SEATS membership comprises Councils from Wollongong to Latrobe, Goulburn, Yass, and the ACT; Government Agencies; Industry companies.

This report highlights discussions at the Goulburn Meeting.

**Recommendation:**

**That Council endorses working with the SEATS working group on the establishment of a pilot trial for virtual fencing within the Shoalhaven region.**

**Report**

The SEATS meeting was held in Goulburn on the 14<sup>th</sup> and 15<sup>th</sup> May 2021. The meeting was well attended by NSW and Victorian members including Transport NSW and Victorian Transport.

**Presentations:**

- **Manildra – Mark Owen National Transport & Logistic Manager**

Manildra Group is the largest independent flour miller in Australia and Nowra Plant is the 8th largest flour mill in the world. Manildra rail services which are operated by Pacific National involves internal product movement for processing of both raw and processed products that are used for further manufacturing through to export containers. It is critical that services are effectively managed and arrive on schedule to avoid any loss of production or worst case stop a mill from operating. The cost to restart the Nowra plant after stopping is in the vicinity of \$1M which cannot be recovered.

The presentation included freight movements per week by both rail and road, the logistics and issues of moving the freight. Road volume is approximate 4350 loads pa transit to VIC/SA/Southern NSW that use Kangaroo Valley or Picton. Additionally, 5 trains each week from Nowra tallying 450-500 export containers with same amount of trains to provide 450–500 empty containers.

- **Presentation Road Safety – Warren Sharpe Director Infrastructure Services and Tom Franzen Transport and Stormwater Engineer**  
This plan aims to improve safety outcomes for all road users including people using motor vehicles, pedestrians, and cyclists as well as our workers who build and look after our transport infrastructure. This plan outlines the specific measures Council



needs to undertake to help keep our community and visitors to Eurobodalla safe as they drive our local and regional roads or bus, scooter, cycle and walk around our community. The plan includes specific actions to build a safer road network, educate people to behave in a safer manner, transition to safer vehicles across the Council fleet and work with the NSW Government to ensure appropriate speeds.

- **Illawarra South Coast Locals Job Program** – Sandra Gray & Andrew Wales  
The presentation provided information of the local jobs program and the transport issues for people trying to gain employment on the South and Far South Coast of NSW. The issues were highlighted and how SEATS may assist with different opportunities.
- **“Active Transport”** – Cr. Michael Whelan Bass Coast Shire  
This presentation was on Active Transport around the Bass Coast Shire and the benefits especially during Covid. Active Transport is becoming very popular in Victoria.

**Reports:**

1. **SEATS Federal Election Strategy** – SEATS members have been provided with a Federal Election Strategy for individual electorate framing documents. The document outlines the Transport Infrastructure strategy for each electorate area. These documents will be provided to all candidates standing in the next Federal Election. It is noted that there are 7 electorates in the SEATS region, and this is a co-ordinated approach of priorities projects across the SEATS region.
2. **SEATS EV Charging Infrastructure Strategy** – SEATS Executive have formally endorsed the following recommendation:

“The SEATS Executive Committee endorses the principle of SEATS advocacy on behalf of SEATS members to government; to enable the expansion and creation of a sustainable EV Charging network in the South East of Australia including both freight (i.e., trucks, buses) and other vehicles”.

Background: The Australian Government has launched the first round of a fund that will address barriers to rolling out new vehicle technologies. The first round of the Future Fuels Fund will provide \$16.5 million in grants to pay for battery electric vehicle fast-charging stations across capital cities and key regional centres. The funding seeks to address blackspots in charging infrastructure to make it easier for consumers, businesses, and fleet owners to transition to electric vehicles. The Australian Renewable Energy Agency (ARENA) will administer the fund. The Future Fuels Fund is the centrepiece of the \$74.5 million Future Fuels Package, announced in the 2020-21 Budget. The package aims to help businesses and consumers take advantage of opportunities offered by hydrogen, electric, and bio-fuelled vehicles”. Announced: 21st February Industry.gov.au Preamble The evolution of the “EV Industry” is to the point where conventional wisdom is now to implement. To implement a transport network roll-out strategy linking regional cities and townships to a sustainable and viable EV charging network. Today, many Councils have implemented their own strategies to ensure their communities have access to EV charging networks and momentum is building. The facilitation made possible by the funding available via the Future Fuels Fund means Council plans can become a reality. The economic impact to SEATS member communities is to be defined but certainly the tourism sector would greatly benefit as Sydney and Melbourne residents will have confidence when visiting the

South East that the EV infrastructure is in place. Any EV network expansion would necessarily include in-home charging capability. There are a growing number of Australian companies who manufacture the EV charging infrastructure as well as foreign companies looking to gain access to Australia. SEATS is able to propose to government a South East Australia EV Charging Network Strategy given the needs of our robust membership of local governments.

3. **SEATS National Road Safety Submission** – SEATS responded to request for submissions from The National Road Safety Strategy group. Copy of submission attached.
4. **Virtue Fencing** – SEATS received a presentation on the current trial of Virtue Fencing from Sunshine Coast and WIRES Mid-South Coast Branch. Virtue Fencing concept trial has been installed to reduce road-kill on priority roads. Special posts are mounted along a stretch of road to defer animals away from the road. Trials have shown a reduction in road-kill. SEATS recommended a working group be established for continued investigation of the trial. As Shoalhaven has had regular requests from residents to assist with road-kill and the number of animals lost to the fires, Shoalhaven was suggested as a place for the trials. Transport NSW is interested in the concept and funding from grants would assist with the program trial.
5. **Transport NSW & Victoria** – Reports were received from Transport NSW & Victoria which included the Federal Budget announcements for Infrastructure projects (Road, Rail, Air & Sea) that have been projects advocated for by SEATS including JB Road, Princes Highway and Mt Ousley inter-change. Reports available on request.

Clr Patricia White

## LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

#### (2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

#### (3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services

**Chapter 3, 8C Integrated planning and reporting principles that apply to councils**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.